

MINUTES OF THE 516th MEETING OF THE OHIO TURNPIKE COMMISSION
August 15, 2005

Pursuant to the bylaws, the Ohio Turnpike Commission met for a regular meeting at the Commission's Administration Building at 10:00 a.m. on August 15, 2005, with members of the staff: Jerry Pursley, Deputy Executive Director; Dan Castrigano, Chief Engineer, Noelle Tsevdos, General Counsel; Kathleen Weiss, Director of Contracts Administration; James T. Steiner, CFO/Comptroller; W. R. Fleischman, Assistant Chief Engineer, Kerry Ferrier, Traffic Engineer; Chris Matta, Assistant Maintenance Engineer; Stuart May, Mechanical Engineer; Sharon D. Isaac, Director of Toll Operations, Dave Miller, Director of Audit & Internal Controls; Dick Morgan, Director of Information Systems; Richard Lash, Director of Safety Services; Bob Gahr, Assistant Director of Safety Services; Robin Carlin, Director of Human Resources; Tony Viola, Division Service Plaza Manager; William Keaton, Telecommunications Manager; Lauren Dehrmann, Manager, Public Affairs, Heidi Jedel, Assistant Manager, Public Affairs, Jennifer Diaz, Legal Department, Crickett Jones, Tracy Cowley and Diane Pring.

Vice-Chairman Balog asked the Assistant Secretary-Treasurer to call the roll.

Present: Mr. Balog, Mr. Regula, Mr. Kidston and Deputy Director Mo Darwish.

Absent: George Dixon, Senator Armbruster and Representative Buehrer.

Vice-Chairman Balog said, Gordon Proctor was unable to attend today's meeting, however, Deputy Director Mo Darwish is here and is authorized to vote in his place.

The Vice-Chairman called the meeting to order and said, I'd like to welcome our newest Commission Member, Ed Kidston from Pioneer. Welcome aboard, Ed. We're glad to have you on the Board.

The Vice Chairman said, our Agenda lists the election of officers, but I'd like to wait for Mr. Dixon. We'll skip that portion of the Agenda and go back to the election when Mr. Dixon arrives.

The Vice-Chairman said we have a number of guests here today, so I'd like everyone to introduce themselves as we customarily do: Bobby Everhart and Jenny Everhart, Mike Burgess, URS; Ken Olup, Mike Swan, Dick Corp., Allan V. Johnson (retired former Executive Director); Tony Yacobucci, Katie Ott, HNTB; Jim Morgan, Kelly Edwards, Eric Shiplett, DCI; John Farwell, Nortel; Michael Iacovone, Larry Crowl, Nu-Vision; Howard O'Malley, B & T Express;

Harry Mylander, Unilliance, Inc.; Bill Jackson, DPS; John Lee, J. P. Morgan; Bob Martell, Hardee's Food Systems; John Petty, Nat City Investments; Frank Lamb, Huntington Bank; Bob Hagstron, Scott Matthews, AVI Food Systems; Steve Mayer, Floyd Jeffries, Operating Engineers and Captain Robert Ferguson, OSHP.

The Vice-Chairman said this is the 516th 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. The resolutions will be explained during the appropriate reports.

The Vice-Chairman said, could I have a motion to adopt the minutes of the July 18, 2005 Commission Meeting.

Commissioner Regula moved and Deputy Director Darwish seconded. All other members voted in the affirmative, and the minutes were adopted.

The Vice-Chairman said, we'll put the report of the Secretary-Treasurer on hold for now. Will our Executive Director, Mr. Suhadolnik, give his report?

The Executive Director, Gary Suhadolnik, said I have just a couple things to mention to the Commission. I have two reports (*Trucks to the Turnpike/Accident Report and OSHP Monthly Report, June, 2005 entitled, "Ohio Turnpike and Alternate Routes"*) which are included in your folders. I hope you'll take those reports with you. As you may be aware, we received some publicity in the past few weeks about the accidents and the increased traffic on the Ohio Turnpike. We prepared a report at the request of the Governor's Office talking about the accidents and our traffic statistics. As you may be aware, last winter was the most severe winter ever in the Cleveland area, with the heaviest amount of snowfall recorded since records have been kept. That generally was true across northern Ohio. We determined that there were fifteen (15) days when there were extreme conditions of snow, ice or other conditions. There were only eight (8) of those-type days in 2003/2004 season. If you discount those days, you find that the actual statistics were fairly consistent. About 28% of those accidents happened on those fifteen (15) days. I'd like to point out that this entire program including the increase in the speed limit is a trial program. I don't think we are ready to draw any conclusions yet. However, I thought it was something you might like to review.

I also included the OSHP report which was sent to me by ODOT. It consists of statistics of traffic that has moved from some of the parallel routes to the Turnpike. It shows some of the decreases and increases in traffic on various routes. I thought you might find it interesting, as well.

The other thing I want to mention is that the past weekend was not a good weekend for the Ohio Turnpike. We had a fatal accident on Friday, August 12th near Interchange 64 in Wood County. You may be aware that there is a significant ODOT construction project on Interstate 280, which effectively has closed that route. It is causing traffic that normally exits at Interchange 71 to be detoured to the Interchange 64 exit. Interchange 64 was never designed to handle that type of traffic load. We have actually opened an extra lane through the employee parking lot and are handing out tickets by hand because that's faster. That's the limit of what we can mechanically do at that Interchange. We have also been trying to encourage some traffic to take the detour set out at Interchange 71 to clear up some of the congestion, but the congestion has, in fact, caused some difficulties at Interchange 64. The back-up has gotten to a point that we were actually letting traffic go "free" on Friday at Interchange 64 to try and clear up the traffic. I have instructed our Toll Operations Department to do that if traffic back-ups to a severe point at that Interchange. The heaviest traffic months are the vacation weeks of the year, but the ODOT construction has caused a very difficult problem by having traffic exit at Interchange 64. I wanted Commission Members to be aware of that situation. That concludes my report, Mr. Vice-Chairman.

The Vice-Chairman said, are there any questions? If not, we'll proceed with our first resolution from Mr. Pursley, our Deputy Executive Director.

Mr. Pursley said, Mr. Vice-Chairman, I'd like to present a resolution authorizing the closure of Indian Meadow and Tiffin River Service Plazas located at Milepost 20.8 in Williams County. If approved, these closures would occur on or before January 31, 2006. These plazas, as you know, are fifty (50) years old. Many of the component parts have exceeded their design life expectancy. These plazas are currently attracting about half of the number of customers that the newer plazas like Middle Ridge and Vermilion Valley attract. Most importantly, though, required permits issued by the OEPA and the Department of Commerce expire in early 2006. They cannot be renewed without incurring significant expenditures.

As you can see from the yellow grid chart prepared by our Maintenance Engineer, it would cost over \$1.6 million to do the repairs and upgrades to these plazas to keep them open for just another year or so. With the \$1,625,000 for repairs and upgrades, plus the \$323,000 in operating expenses, offset by anticipated revenue of perhaps \$680,000, the Commission would stand to lose nearly \$1.4 million by keeping these plazas open through 2006. On the other hand, even with the closure costs, by closing these plazas in January 2006, we would reduce those losses to approximately \$160,000.

Would the General Counsel, please read the Resolved?

“RESOLVED that the executive director is authorized to close the **Indian Meadow and Tiffin River Service Plazas** at Milepost 20.8 in Williams County **on or before January 31, 2006**, and is authorized to give notice of the Commission’s intended closure of these facilities to all affected operators, vendors and contractors with whom the Commission has contracted to provide services at the facilities in accordance with terms of those respective agreements.”

The Vice Chairman said, is there a motion?

Commissioner Regula moved and Deputy Director Darwish seconded.

The Vice-Chairman said, I have a question. Jerry, bring me up to date, I think there is one service plaza in Indiana about eleven (11) miles in on the Indiana Turnpike and this is our first one on the Ohio Turnpike at Milepost 20 so they are about thirty-one (31) miles apart. The next one is at Milepost 49.

Mr. Pursley said once we close these service plazas, it will be about 63 miles between the last service plazas in Ohio and Indiana’s first plaza. However, we do have the “free” interchange at S. R. 49. At that location, they have food, fuel and restroom facilities. That would reduce the spread to about 46.8 miles. That brings us closer to what we have right now.

Vice-Chairman Balog said, so a person could get off at S.R. 49 free access, get back on and not have any significant delay. Mr. Balog said naturally when you have facilities like this you have a certain number of contracts. Do we have any penalties that we would have to pay? Are we within our cancellation rights on the contracts?

Mr. Pursley said we have been operating month-to-month with most of the operators in anticipation of closing these service plazas. We have been considering doing this for some time.

Deputy Director Darwish asked are you planning to have a public meeting to advise that you are closing these plazas?

Mr. Suhadolnik said we are not planning a public meeting, but I personally met with the County Commissioners last week and informed them of our plans. Obviously, there are some small sales tax implications for the County from the retail products that are sold there and when a sit-down meal is purchased. There will be a small financial loss to the County amounting to about \$40,000 a year. The County understands our situation because it is also under EPA orders in certain parts of the County to address storm water and sewer issues. That is also one of the primary reasons for the closure because there is no local water or sewer available at this location like we have at all the other facilities. That makes it more difficult to keep a facility going.

Vice-Chairman Balog said, it's my interpretation that we haven't made the decision that it's not going to be re-built. I know there has been some discussion about a new larger facility at the Milepost 35-37 area. But, I don't think at this point in time the Board has taken any action to endorse that. The Commission is just saying we need to close this facility. We will make a decision later as to whether we are we going to re-build a new facility as we have done with the other ones or are we going to change the location and build a larger facility and potentially eliminate two facilities. That's my interpretation. I think I'm correct, right?

Mr. Pursley said yes.

Mr. Suhadolnik added that we wish that all the plans could fit together perfectly, but in this case because of the permit issue, we really need to close this facility ahead of time.

Vice-Chairman Balog said, as you pointed out, there is a plaza at Milepost 11 in Indiana, and the free Exit at Milepost 2 at S.R. 49, so it's not a massive area that is not served. It's no different than when we closed Blue Heron or something of that nature.

The Vice-Chairman said, are there any further questions? If not, please call the roll.

The "Resolution Authorizing the Closure of Indian Meadow and Tiffin River Service Plazas at Milepost 20.8 in Williams County" was moved for adoption.

RESOLUTION NO. 32-2005

WHEREAS, Ohio Revised Code Sections 5537.03 and 5537.04 authorize the Commission to maintain, construct and operate the Ohio Turnpike System, including those service facilities it deems necessary to operate the Ohio Turnpike; and

WHEREAS, the Commission constructed the Indian Meadow and Tiffin River Service Plazas at Milepost 20.8 in Williams County, as part of the original construction of the Ohio Turnpike, which service facilities have not been reconstructed since their opening in 1955, and which, to continue operation, would require significant repair and renovation; and

WHEREAS, the maintenance engineer reports that the existing wastewater treatment plant and related infrastructure servicing the Indian Meadow and Tiffin River Service Plazas are in need of replacement and said replacement would require a significant expenditure of funds, and there are no economically feasible public sewer utility services available in the vicinity of the

service plazas that could be used to replace the Commission's wastewater treatment facilities; and

WHEREAS, required permits from various agencies of the State of Ohio including the Ohio E.P.A. and the Ohio Department of Commerce will expire in early 2006 and cannot be renewed without incurring aforementioned significant expenditures; and

WHEREAS, the Commission, by Resolution No. 24-2005, previously authorized the executive director to develop plans for the location, design and site development of one set of service plazas to replace the two sets of service plazas located at Milepost 20.8 in Williams County and Milepost 49 in Lucas County; and

WHEREAS, for these reasons, the executive director recommends to the Commission that the Indian Meadow and Tiffin River Service Plazas be permanently closed and not rebuilt.

NOW, THEREFORE, BE IT

RESOLVED that the executive director is authorized to close the **Indian Meadow and Tiffin River Service Plazas** at Milepost 20.8 in Williams County **on or before January 31, 2006**, and is authorized to give notice of the Commission's intended closure of these facilities to all affected operators, vendors and contractors with whom the Commission has contracted to provide services at the facilities in accordance with terms of those respective agreements.

I Gary C. Suhadolnik, Assistant Secretary-Treasurer of the Ohio Turnpike Commission, do hereby certify that the above is a true copy of the aforesaid resolution which was duly adopted at a meeting of the Commission, duly called for and convened and held on August 15, 2005 at which a quorum was at all times present and voting.

WITNESS my hand and the seal of the Ohio Turnpike Commission on this 15th day of August, 2005.

Gary C. Suhadolnik
Assistant Secretary-Treasurer

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 32-2005.

Vice-Chairman Balog said we'll proceed with our Chief Engineer, Mr. Dan Castrigano.

Mr. Castrigano said I have six resolutions for your consideration this morning. I will present them in the order listed on our Agenda. The first resolution awards Contract No. 56-05-01 and Contract No. 56-05-02 for construction of salt storage facilities at the Commission's Hiram Maintenance Building located in Portage County and at the Castalia Maintenance Building located in Erie County, Ohio. We received one bid in response to the subject contracts. The bid was submitted by Seitz Builders of Broadview Heights, Ohio in the total amount of \$493,000. The total bid price was below the estimated cost and this bidder has performed work of this nature for the Commission in the past.

Would the General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

“RESOLVED that the combination bid of **Seitz Builders** of Broadview Heights, Ohio, in the total amount of **\$493,000.00**, for the performance of **Contract No. 56-05-01** and **Contract No. 56-05-02**, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contracts, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute Contracts with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; and (2) to direct the return of Seitz Builders' bid security at such time as Seitz Builders has entered into Contract No. 56-05-01 and Contract No. 56-05-02 and furnished the requisite performance bonds therefor; (3) to take any and all action necessary or proper to carry out the terms of said bids and of said Contracts; and

“FURTHER RESOLVED that Project No. 56-05-01 and Project No. 56-05-02 are designated Renewal & Replacement Projects under the Commission's 1994 Master Trust Agreement.”

The Vice-Chairman said, is there a motion?

Deputy Director Darwish moved and Commissioner Kidston seconded.

The Vice-Chairman asked, are there any questions?

Vice-Chairman Balog asked if we were concerned that we received only one bid.

Mr. Castrigano said we sent copies of the Notice to Bidders to 78 bidders on this project and issued the plans to four (4) plan houses. I think the controlling factor is that Dome Corporation of America is the designer of this facility and these types of facilities have patents. I believe they only issue contract authorizations by geographical areas.

Vice-Chairman Balog asked, does that mean we need to look at a different type of structure? If that's the case, they kind of set themselves up to be the only designer and only bidder and the only person who can go ahead and satisfy the contract.

Mr. Castrigano said, we do look at other types of facilities at other locations on a limited basis. You can put up a temporary facility, but for the limited space that we have in our Maintenance facilities, the round conical-shaped building is the most efficient way to store the salt material.

Vice-Chairman Balog asked since we did have a little bit of a problem previously in Richfield with a similar structure, do we have any issues on permits? I certainly acknowledge where our position is legally, but have we chatted with the local communities.

Mr. Castrigano said yes, our Maintenance Department has worked with our Legal Department and we are not anticipating any problems. We have talked to both municipalities in these locations.

The Vice-Chairman said thank you, please call the roll.

The "Resolution Awarding Contract No. 56-05-01 and Contract No. 56-05-02" was moved for adoption.

RESOLUTION NO. 33-2005

WHEREAS, the Commission has duly advertised according to law for bids upon a contract for furnishing and installing self-supporting salt storage buildings at the Commission's **Hiram Maintenance Building** located at Milepost 198.6 in Portage County, Ohio, herein designated **Contract No. 56-05-01**, and at the Commission's **Castalia Maintenance Building** located at Milepost 106.7 in Erie County, Ohio, herein designated **Contract No. 56-05-02**; and

WHEREAS, the Commission has received bids from only one bidder for the performance of said Contracts; and

WHEREAS, said bids have been reviewed and analyzed by the Commission's maintenance engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the maintenance engineer advises that both the "individual bids" and the "combination bid" of **Seitz Builders** of Broadview Heights, Ohio in the total amount of **\$493,000.00** for the performance of Contract No. 56-05-01 and Contract No. 56-05-02 are 1.4% below the estimated cost for these Contracts; and

WHEREAS, the maintenance engineer further states that Seitz Builders has satisfactorily constructed this type of salt storage structure for the Commission in the past, and the bid is therefore, a responsive and responsible bid; and

WHEREAS, the Commission has been advised by its director of contracts administration that bids for said Contracts were solicited on the basis of the same terms and conditions and the same specifications, that the bids of Seitz Builders conform to the requirements of Section 5537.07, Section 9.312 and Section 153.54, all of the Ohio Revised Code, that a performance bond with good and sufficient surety has been submitted by Seitz Builders and that, for expediency, the Commission may award the contracts based on the "combination bid" of Seitz Builders as it is no different than the sum of the two individual bids submitted; and

WHEREAS, the Commission's executive director has reviewed the reports of the maintenance engineer and the director of contracts administration and made his recommendation to the Commission to award the Contracts to Seitz Builders predicated upon such analyses.

NOW, THEREFORE, BE IT

RESOLVED that the combination bid of **Seitz Builders** of Broadview Heights, Ohio, in the total amount of **\$493,000.00**, for the performance of **Contract No. 56-05-01** and **Contract No. 56-05-02**, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contracts, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute Contracts with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; and (2) to direct the return of Seitz Builders' bid security at such time as Seitz Builders has entered into Contract No. 56-05-01 and Contract No. 56-05-02 and furnished the requisite performance bonds therefor; (3) to take any and all action necessary or proper to carry out the terms of said bids and of said Contracts; and

FURTHER RESOLVED that Project No. 56-05-01 and Project No. 56-05-02 are designated Renewal & Replacement 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. 33-2005.

Mr. Castrigano said the next resolution pertains to Contract No. 70-05-01 and Contract No. 59-05-05. Contract No. 59-05-05 is for the re-profiling of the concrete surface at Interchange 91 in Sandusky County. Contract No. 70-05-01 is for the reconstruction of the slope failure also in Sandusky County. Due to the

close proximity of these two projects, contractors were given the option to bid one or both of these projects with a “combination” bid. We received no bids in response to Contract No. 59-05-05 as an individual bid. We received one “combination” bid for both projects which was submitted by Kokosing Construction of Columbus, Ohio in the total amount of \$862,760.00. This bid is approximately 9.2% above the Engineer’s Estimate.

We received two bids in response to the individual bid for the slope repair, Contract No. 70-05-01. The low bid was submitted by **Unilliance, Inc.** of Oak Harbor, Ohio in the total amount of **\$592,365.50**. This bid was approximately 9.5% above the Engineer’s Estimate.

Given the fact that both bids for Contract No. 70-05-01 were above the Engineer’s Estimate, we are proposing to award the individual Contract No. 70-05-01 to Unilliance, Inc. of Oak Harbor, Ohio and to reject the “combination bid” submitted by Kokosing Construction. Again, we received only one bid for the re-profiling of the interchange. Our thought is to re-advertise the reprofiling Project in the spring during our 2006 construction season.

Another reason we want to proceed with the slope failure is that if this condition remains unchecked, it could endanger the roadway if we let it go over the winter season. Unilliance has not worked for the Commission in the past, however, they are pre-qualified with ODOT. We have checked the records with ODOT and they have no complaints on this contractor. This resolution also includes provisions to assign CTL Engineering, Inc. of Cleveland, Ohio to perform material testing inspection services.

Would the General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

“RESOLVED that the sole “combination bid” for Contract No. 59-05-05 and Contract No. 70-05-01 submitted by Kokosing Construction Co. is hereby rejected, and

“FURTHER RESOLVED that the bid of **Unilliance, Inc.** of Oak Harbor, Ohio, in the amount of **\$592,365.50**, for the performance of **Contract No. 70-05-01** 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 Contract No. 70-05-01 with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the 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 the executive director and director of contracts administration hereby are authorized to take any and all action necessary to re-advertise for bids for Contract No. 59-05-05, if and when receipt of new bids is deemed necessary; and

FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **CTL Engineering, Inc.** of Cleveland, Ohio, to Contract 70-05-01 for the purpose of performing materials testing and inspection. Such assignment shall be in accordance with the new 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and CTL Engineering, Inc.; and

“FURTHER RESOLVED that Project No. 70-05-01 is designated a System Project under the Commission’s 1994 Master Trust Agreement.”

The Vice-Chairman said, is there a motion to adopt?

Commissioner Regula moves and Deputy Director Darwish seconded.

The Vice-Chairman said, are there any questions?

Vice-Chairman Balog said I have one question. If we subtract the \$592,000 from the total combined bid of \$862,000, you get about \$270,000 which is what in effect you have to play with for the Contract No. 59-05-05. Your bid estimate was \$250,000. Do you think we’ll be able to bid that out in the spring and come in less than \$270,000? If it comes in more than \$270,000 you probably should have taken the “combination” bid.

Mr. Castrigano said this is not a very difficult project. I would have expected the one company that normally does diamond grinding of this nature to bid direct on this project, but they bid as a subcontractor to Kokosing. I would expect that when we bid it out in the spring, we’ll get more interest in the project.

The Chairman said, if there are no other questions, please call the roll.

The “Resolution Awarding Contract No. 70-05-01 and Rejecting the ‘Combination Bid’ Submitted for Contract No. 59-05-05 and Contract No. 70-05-01” was moved for adoption.

RESOLUTION NO. 34-2005

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for reprofiling the pavement surface of the **Interchange 91 ramps** located at Milepost 91.9 in Sandusky County, herein designated **Contract No. 59-05-05**, and a Contract for the **reconstruction of slope failure** of the

eastbound roadway at Milepost 97.1 in Sandusky County, herein designated **Contract No. 70-05-01**; and

WHEREAS, the Commission has received bids from two (2) bidders for the performance of said Contracts, and bidders were given the option of submitting a "combination bid" for the performance of Contract No. 59-05-05 and Contract No. 70-05-01; and

WHEREAS, the bids received in response to Contract No. 59-05-05 have been reviewed and analyzed by the Commission's chief engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, no individual bid was received for the Interchange 91 ramps, Contract No. 59-05-05; and

WHEREAS, the chief engineer reports that two individual bids were received for Contract No. 70-05-01 to reconstruct the slope failure, and the lowest responsive and responsible bid was submitted by **Unilliance, Inc.** of Oak Harbor, Ohio in the total amount of **\$592,365.50**, which bid he recommends be accepted by the Commission; and

WHEREAS, the chief engineer further reports that the sole "combination bid" received for Contract No. 59-05-05 and Contract No. 70-05-01" was submitted by Kokosing Construction Co., Inc. of Columbus, Ohio in the total amount of \$862,760.00, which is approximately 9.2% above the engineer's estimate; and

WHEREAS, the chief engineer recommends that the sole "combination bid" be rejected, and that Contract No. 59-05-05 be re-advertised in the spring of 2006 in an attempt to obtain additional bids for this individual Project; and

WHEREAS, the Commission has been advised by its director of contracts administration that, pursuant to Ohio Revised Code Section 5537.07(A) and the contract documents for Contract No. 59-05-05 and Contract No. 70-05-01, the Commission has reserved the right to reject any and all bids, and the Commission, therefore, may lawfully reject the sole "combination bid" submitted by Kokosing Construction Co.; and

WHEREAS, the Commission has further been advised by the director of contracts administration that all bids for Contract No. 59-05-05 and Contract No. 70-05-01 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Unilliance, Inc. for Contract No. 70-05-01 conforms to the requirements of Section 5537.07, Section 9.312 and Section 153.54, all of the Ohio Revised Code and that a performance bond with good and sufficient surety has been submitted by Unilliance, Inc.; and

WHEREAS, the Commission's executive director has reviewed the reports of the chief engineer and the director of contracts administration and made his recommendation to the Commission predicated upon such analyses.

NOW, THEREFORE, BE IT

RESOLVED that the sole "combination bid" for Contract No. 59-05-05 and Contract No. 70-05-01 submitted by Kokosing Construction Co. is hereby rejected, and

FURTHER RESOLVED that the bid of **Unilliance, Inc.** of Oak Harbor, Ohio, in the amount of **\$592,365.50**, for the performance of **Contract No. 70-05-01** 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 Contract No. 70-05-01 with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the 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 the executive director and director of contracts administration hereby are authorized to take any and all action necessary to re-advertise for bids for Contract No. 59-05-05, if and when receipt of new bids is deemed necessary; and

FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **CTL Engineering, Inc.** of Cleveland, Ohio, to Contract 70-05-01 for the purpose of performing materials testing and inspection. Such assignment shall be in accordance with the new 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and CTL Engineering, Inc.; and

FURTHER RESOLVED that Project No. 70-05-01 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. 34-2005.

Mr. Castrigano the third resolution relates to the awarding of a Contract for a Private Branch Exchange (PBX) Telephone System pursuant Invitation No. 4023. The Commission may recall that approximately one (1) year ago the Commission accepted bids for this project. At that time the bids were significantly above the Engineer's Estimate and bids were rejected. The specifications were re-worked and we put it back out to bid. We received six (6) bids in response to this Invitation. The bids were reviewed by an Evaluation

Committee consisting of our Telecommunications Manager and two (2) representatives of TransCore, our telecommunications maintenance contractor.

The apparent low bid submitted by Digital Connections, Inc. of Hendersonville, Tennessee and the apparent second low bid submitted by Percipia, Inc. of Gahanna, Ohio both did not comply with the technical specifications and some terms and conditions of the contract. I'd like to draw your attention that attached to this draft resolution is 15-page evaluation summary on each bidder which was performed by our Telecommunications Manager and the TransCore representatives.

The apparent third low bid was submitted by **Nu-Vision Technologies, Inc.** of Centerville, Ohio in the amount of \$869,061.60 which includes the 1% term discount. The total amount bid is below the Engineer's Estimate on this project.

Would our General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

"RESOLVED that the bids of DCI, Inc. and Percipia, Inc. are deemed non-responsive and are rejected; and

"FURTHER RESOLVED that the bid of **Nu-Vision Technologies, Inc.** of Centerville, Ohio in the total amount of **\$877,840.00, less a 1% term discount (net: \$869,061.60)**, under Invitation No. 4023 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and the chairperson and executive director, or either of them, is hereby authorized to: (1) at the earliest time permitted under the bidding documents, or in the event objections are filed with the director of contracts administration by the rejected bidders then only after the Commission's affirmation of the rejections, execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (2) to direct the return to the bidders of their bid security at such time as Nu-Vision Technologies, Inc. has entered into a Contract and furnished the requisite performance bond therefor; and (3) to take any and all action necessary to properly carry out the terms of said Contract."

The Vice-Chairman asked, is there a motion?

Deputy Director Darwish moved and Commissioner Regula seconded.

The Vice-Chairman said, are there any questions?

Commissioner Kidston said, does all this back-up information state why the two (2) low bidders did not meet specifications?

Mr. Castrigano said, yes, that's correct. Part of the 15-page document reviews the two non-conformant bids and also the third bid that we are proposing to award.

The Vice-Chairman said, in laymen's terms, what we're going to do today is authorize the Executive Director to enter into a contract with Nu-Vision Technologies, assuming that the two low bidders do not protest. If they do protest, then that information will be brought back to us at the next meeting?

Mr. Castrigano said that's correct. Today, the protest provisions of the contract will start. The rejected bidders have five (5) days to protest the award. If there is no protest, the award will proceed. If there is a protest, there will be a meeting with the Director of Contracts Administration, and she will report back to the Commission.

The Vice-Chairman said if there are no other questions, please call the roll.

The "Resolution Awarding a Contract for a Private Branch Exchange (PBX) Telephone System under Invitation No. 4023" was moved for adoption.

RESOLUTION NO. 35-2005

WHEREAS, the Commission advertised for bids for Invitation No. 4023 for the furnishing, installing and testing of a Private Branch Exchange (PBX) telephone system at all Ohio Turnpike Commission facilities; and

WHEREAS, the expenditures by the Commission for the furnishing, installing and testing of a PBX telephone system at all the Ohio Turnpike Commission facilities under Invitation No. 4023 will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, the Commission received six (6) bids in response to Invitation No. 4023, and said bids have been reviewed and analyzed by an evaluation committee consisting of the Commission's telecommunications manager and two representatives of the Commission's telecommunications maintenance contractor, TransCore, which committee's report concerning such analysis is before the Commission; and

WHEREAS, the evaluation committee has advised that the apparent low bid submitted by Digital Connections, Inc. ("DCI") of Hendersonville,

Tennessee does not comply with the technical specifications as well as certain required terms and conditions of Invitation No. 4023 and, therefore, the DCI bid cannot be considered for award; and

WHEREAS, the evaluation committee further states that the apparent second low bid submitted by Percipia, Inc. of Gahanna, Ohio does not comply with the technical specifications as well as certain required terms and conditions of Invitation No. 4023 and, therefore, the Percipia bid cannot be considered for award; and

WHEREAS, the evaluation committee has stated that the lowest responsive and responsible bid in the total amount of **\$877,840.00, less a 1% term discount (net \$869,061.60)**, was submitted by **Nu-Vision Technologies, Inc. ("Nu-Vision")** of Centerville, Ohio, and this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the Commission's director of contracts administration has reviewed the bids received, as indicated in her memorandum to the Commission regarding the subject Invitation, and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 4023 was in accordance with Section 5537.07 and Section 9.312 of the Ohio Revised Code, and that the bid of Nu-Vision Technologies, Inc. of Centerville, Ohio is the lowest responsive and responsible bid received; and

WHEREAS, the director of contracts administration further advises that, pursuant to the bidding documents for Invitation No. 4023 and Ohio Revised Code Section 5537.07 (A), the Commission expressly reserves the right to reject any and all bids, and that the Commission may reject the bids of DCI, Inc. and Percipia, Inc. as non-responsive, however, because of the magnitude of the Contract, final award of the Contract to the lowest responsive, responsible bidder should be authorized only after the opportunity for the rejected bidders to object has occurred, as provided for in the bidding documents; and

WHEREAS, the director of contracts administration further advises that, once such opportunity for objections by the rejected bidders has passed or the Commission affirms either or both of the rejections after the conduct of a meeting that may be requested by the rejected bidders, the Commission may then legally enter into a Contract with Nu-Vision Technologies, Inc. for the furnishing, installing and testing of a PBX telephone system at all the Ohio Turnpike Commission facilities in accordance with Invitation No. 4023; and

WHEREAS, the executive director has also reviewed the reports submitted by the Commission's evaluation committee and director of contracts administration and recommends to the Commission that the bids submitted by DCI, Inc. and Percipia, Inc. be rejected, and that, when appropriate, a contract be

awarded to the lowest responsive and responsible bidder, Nu-Vision Technologies, Inc.

NOW, THEREFORE, BE IT

RESOLVED that the bids of DCI, Inc. and Percipia, Inc. are deemed non-responsive and are rejected; and

FURTHER RESOLVED that the bid of **Nu-Vision Technologies, Inc.** of Centerville, Ohio in the total amount of **\$877,840.00, less a 1% term discount (net: \$869,061.60)**, under Invitation No. 4023 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and the chairperson and executive director, or either of them, is hereby authorized to: (1) at the earliest time permitted under the bidding documents, or in the event objections are filed with the director of contracts administration by the rejected bidders then only after the Commission's affirmation of the rejections, execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; (2) to direct the return to the bidders of their bid security at such time as Nu-Vision Technologies, Inc. has entered into a Contract and furnished the requisite performance bond therefor; and (3) to take any and all action necessary to properly carry out the terms of said Contract.

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 35-2005.

Mr. Castrigano said the fourth resolution I'd like to present is a resolution rejecting the bids for the furnishing of sixteen (16) truck-mounted attenuators pursuant to Invitation No. 4027.

This contract was for the furnishing of sixteen (16) truck-mounted attenuators for use on Commission vehicles. If you're not aware, attenuators mount on the back of our medium heavy trucks. We use this piece of safety equipment in our work zones by our maintenance employees. We received two (2) bids in response to the Invitation. The apparent low bid was submitted by Baldwin & Sours. Information submitted with the bid indicated that this equipment failed to comply with the technical specifications. The second low bid and the only other bid was submitted by A & E Safety, Inc. of Warrensville Heights, Ohio. Although this bid did meet the specifications, the total price exceeded the estimated cost in excess of 15%. What we propose to do is reject both these bids, re-work the specifications to provide a little bit more detail and re-advertise the contract.

If the General Counsel would please read the Resolved?

General Counsel read the Resolved as follows:

“RESOLVED that all bids received in response to Invitation No. 4027 for furnishing sixteen (16) truck-mounted attenuators are hereby rejected and the executive director and director of contracts administration, or either of them, is hereby authorized: 1) to notify all bidders in writing of said action; 2) to direct the return to all bidders of their bid security; and 3) to take any and all action necessary to re-advertise Invitation No. 4027 for truck-mounted attenuators as soon as possible.”

The Vice-Chairman said, is there a motion?

Commissioner Regula moved and Commissioner Kidston seconded.

The Vice-Chairman said, are there any questions?

Commissioner Regula said how often do these get tested? I would hope not often, but have we?

Mr. Castrigano said, Commissioner Regula do you mean tested for compliance with specifications or tested in the field? This piece of equipment you don't want to test. We have been very fortunate as we have not had one of our attenuators impacted by a vehicle on the road.

The Vice-Chairman said, please call the roll.

The “Resolution Rejecting Bids for the Furnishing of Truck-Mounted Attenuators Pursuant to Invitation No. 4027” was moved for adoption.

RESOLUTION NO. 36-2005

WHEREAS, the Commission has advertised for bids for Invitation No. 4027 for the furnishing to the Commission of sixteen (16) truck-mounted attenuators; and

WHEREAS, the expenditures of the Commission for truck-mounted attenuators under Invitation No. 4027 will exceed \$150,000 and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such contract; and

WHEREAS, the two (2) bids received in response to the Invitation were reviewed and analyzed by the maintenance engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the maintenance engineer states that the apparent low bid submitted by Baldwin & Sours, Inc. failed to comply with the Commission's technical specifications and cannot be considered for award; and

WHEREAS, the maintenance engineer further states that, although the second apparent low bidder, A & A Safety, Inc. of Warrensville Heights, Ohio, proposed to furnish materials and services in accordance with the Commission's specifications, its bid significantly exceeds the estimated cost for this equipment; and

WHEREAS, the maintenance engineer, therefore, recommends that both bids be rejected by the Commission and that the Invitation for truck-mounted attenuators be re-advertised as soon as possible; and

WHEREAS, the Commission's director of contracts administration has reviewed the bids received and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 4027 was in accordance with Section 5537.07 and Section 9.312 of the Ohio Revised Code, and further advises that, pursuant to the bidding documents for Invitation No. 4027 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids; and

WHEREAS, the executive director has reviewed the reports of the maintenance engineer and the director of contracts administration and has recommended to the Commission that all bids received in response to Invitation No. 4027 be rejected by the Commission and that the Invitation for truck-mounted attenuators be re-advertised as soon as possible.

NOW, THEREFORE, BE IT

RESOLVED that all bids received in response to Invitation No. 4027 for furnishing sixteen (16) truck-mounted attenuators are hereby rejected and the executive director and director of contracts administration, or either of them, is hereby authorized: 1) to notify all bidders in writing of said action; 2) to direct the return to all bidders of their bid security; and 3) to take any and all action necessary to re-advertise Invitation No. 4027 for truck-mounted attenuators as soon as possible.

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 36-2005.

Mr. Castrigano said the fifth resolution relates to the award of Contract for furnishing propane liquefied petroleum gas fuel for a one-year period pursuant to Invitation No. 4028. This contract was split into two groups for furnishing propane to nine (9) separate locations across the Turnpike. The propane is used for heating our facilities where we do not have natural gas available.

This contract for an initial twelve-month period with an option to renew for two (2) additional, one-year periods. We received one (1) bid in response to both

groups. The only bid was submitted by AmeriGas of Swanton, Ohio. The total estimated amount on this Contract is \$148,000.00. However, we are proposing to establish the Purchase Order with provisions of 10% in excess of the estimated quantity. In case we do exceed it by more than 10%, we will come back to the Commission and ask for an amended resolution.

Would General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

“RESOLVED that the bid of **AmeriGas** for Groups I and II of Invitation No. 4028, is, and is, by the Commission deemed to be the lowest responsive and responsible bid received and is accepted and the chairperson and executive director, or either of them, is hereby authorized: 1) to execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; 2) to direct the return of AmeriGas’ bid security as such time as AmeriGas has entered into a Contract and furnished the requisite performance bond therefor; 3) to incur expenditures under the Contract in the quantities estimated by the Maintenance Department’s staff for the purchase of propane-liquefied petroleum gas fuel; 4) to determine whether to exercise either of the one (1) year renewal options; and 5) to take any and all action necessary to properly carry out the terms of said Contract.”

The Vice-Chairman said, are there any questions?

Commissioner Kidston said, since this is my first meeting, is it typical to get just one gas bid?

Mr. Castrigano said we typically receive two (2) bids in response to this Invitation. The other bidder that typically bid on this Invitation went out of business and, I believe, they were purchased by AmeriGas. As the years go by, we rely less and less on propane. We set these facilities to be heated by propane because it’s an easy conversion to convert the facility to natural gas when it becomes available.

The Vice Chairman said, please call the roll.

The “Resolution Awarding a Contract for the Furnishing of Propane-Liquefied Petroleum Gas Fuel for a One-Year Period Pursuant to Invitation No. 4028” was moved for adoption.

RESOLUTION NO. 37-2005

WHEREAS, the Commission has advertised for bids for Invitation No. 4028, which was divided into Groups I and II, for the furnishing to the

Commission of propane-liquefied petroleum gas fuel at nine (9) Commission locations; and

WHEREAS, the expenditures of the Commission under this Contract and its extensions will exceed \$150,000, and, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such Contract; and

WHEREAS, the Contract to be awarded as a result of Invitation No. 4028 has an initial term of twelve (12) months with an option to renew for two (2) additional one (1) year periods; and

WHEREAS, bidders were asked to state the price differential per gallon that they would charge from the Oil Price Information Service ("OPIS"); and

WHEREAS, only one bid was received in response to the Invitation, which was reviewed and analyzed by the maintenance engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the maintenance engineer states that the lowest responsive and responsible bid for Groups I and II was submitted by **AmeriGas** of Swanton, Ohio, and that this bidder proposes to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, the maintenance engineer advises that AmeriGas was awarded a one-year Contract for propane in 2002 that also contained two, additional one-year extensions and that the contractor has performed satisfactorily; and

WHEREAS, the maintenance engineer recommends that a one (1) year Contract in the estimated amount of **\$148,000.00** be awarded to AmeriGas of Swanton, Ohio with two (2) possible one-year renewals, pursuant to the same terms and conditions, and

WHEREAS, should the quantities of propane-liquefied petroleum gas fuel purchased under this Contract exceed the number of gallons estimated by the maintenance staff by more than ten (10%) percent, the Commission will be presented with a new resolution to increase said estimated quantities; and

WHEREAS, the Commission's director of contracts administration has reviewed the only bid received and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 4028 was in accordance with Section 5537.07 and Section 9.312 of the Ohio Revised Code, that the bid of AmeriGas is the lowest responsive and responsible bid received and that the Commission may legally enter into a Contract with

AmeriGas to furnish propane-liquefied petroleum gas fuel in accordance with Invitation No. 4028; and

WHEREAS, the executive director has reviewed the reports of the maintenance engineer and the director of contracts administration and has recommended to the Commission that a Contract be awarded to the lowest responsive and responsible bidder, AmeriGas; and

WHEREAS, based on the maintenance department's estimates, an initial purchase order shall be prepared in the estimated amount of **\$148,000.00**.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **AmeriGas** for Groups I and II of Invitation No. 4028, is, and is, by the Commission deemed to be the lowest responsive and responsible bid received and is accepted and the chairperson and executive director, or either of them, is hereby authorized: 1) to execute a Contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; 2) to direct the return of AmeriGas' bid security as such time as AmeriGas has entered into a Contract and furnished the requisite performance bond therefor; 3) to incur expenditures under the Contract in the quantities estimated by the Maintenance Department's staff for the purchase of propane-liquefied petroleum gas fuel; 4) to determine whether to exercise either of the one (1) year renewal options; and 5) to take any and all action necessary to properly carry out the terms of said Contract.

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 37-2005.

Mr. Castrigano said my final resolution this morning relates to the award of Contract for Invitation No. 4029 for furnishing sodium chloride (rock salt) for our snow and ice operations this upcoming winter.

We received five (5) bids in response to this Invitation. This Contract was split up into fourteen (14) different locations across the State. All the awards were on the individual location award. As you can see on the tabulation on the resolution, the apparent low bids in response to Items 1,2,3,5,12 and 13 was submitted by **North American Salt Company** of Overland Park, Kansas. The apparent low bids in response in Items 4,6,7,8,9 and 11 was submitted by **Cargill, Inc.** of North Olmsted, Ohio and the apparent low bids in response to Items 10 and 14 was submitted by **Morton Salt** of Chicago, Illinois.

This Contract again requires the Contractors to furnish up to 150% of the estimated quantities in the event that we run into another severe winter. That's why you'll see the two columns on the resolution. The first is the bid amount

based on the estimated quantities and the bid amount estimated on the 150% amount in the worst case scenario.

Would General Counsel please read the Resolved?

General Counsel read the Resolved:

<u>Items</u>	<u>Company</u>	<u>Bid Amount based on Estimated Quantities</u>	<u>50% of Estimated Quantities Bid</u>
1,2,3,5,12 & 13	North American Salt Company Overland Park, Kansas	\$789,197.00	\$1,183,795.50
4,6,7,8,9 & 11	Cargill, Inc.-Deicing Technology North, Olmsted, Ohio	1,045,875.00	1,568,812.50
10 and 14	Morton Salt Ice-Control Mktg. Dept. Chicago, Illinois	487,910.00	731,865.00

Total Awards reflecting 150% of estimated quantities bid: \$3,484,473.00

for Invitation No. 4029 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted and the chairperson and executive director, or either of them, is hereby authorized: (1) to execute a Contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, which Contract awards reflect 150% of estimated quantities bid for each individual delivery destination; and (2) to direct the return to other bidders of their bid securities at such time as the successful bidders have each entered into a Contract and furnished the requisite performance bond therefor; and (3) to take any and all action necessary to properly carry out the terms of said Contracts.

The Vice-Chairman said, is there a motion?

Deputy Director Darwish moved and Commissioner Kidston seconded.

The "Resolution Concerning Award of Contracts for Sodium Chloride (Rock Salt) Pursuant to Invitation No. 4029" was moved for adoption.

RESOLUTION NO. 38-2005

WHEREAS, the Commission has advertised for bids for Invitation No. 4029 for furnishing to the Commission its requirements for sodium chloride (rock salt) estimated at approximately 74,000 tons; and

WHEREAS, it is anticipated that the expenditures of the Commission for sodium chloride under Invitation No. 4029 shall exceed \$150,000 and, in

accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such contracts; and

WHEREAS, five (5) bids were received in response to the Invitation which included quotations for rock salt, freight charges and any additional "piler" and/or "conveyor system" charges, if needed; and

WHEREAS, the bidding documents allow for the purchase by the Commission of up to **150%** of the quantities estimated for each individual delivery location and, because the severity of the snow and ice season for 2005/2006 is unpredictable, the maintenance engineer recommends that the Commission authorize the executive director to purchase up to 150% of the estimated quantities bid for each designated delivery location, if warranted; and

WHEREAS, the bids were reviewed and analyzed by the maintenance engineer, whose report concerning such analysis is before the Commission; and

WHEREAS, the maintenance engineer states that the following companies have submitted the lowest responsive and responsible bids:

<u>Items</u>	<u>Company</u>	<u>Bid Amount based on Estimated Quantities</u>	<u>50% of Estimated Quantities Bid</u>
1,2,3,5,12 & 13	North American Salt Company Overland Park, Kansas	\$789,197.00	\$1,183,795.50
4,6,7,8,9 & 11	Cargill, Inc.-Deicing Technology North, Olmsted, Ohio	1,045,875.00	1,568,812.50
10 and 14	Morton Salt Ice-Control Mktg. Dept. Chicago, Illinois	487,910.00	731,865.00

Total Awards reflecting 150% of estimated quantities bid: \$3,484,473.00

WHEREAS, as noted above, all bidders have included in their bids the added freight costs for delivery of the rock salt to the Commission's various designated facilities along with additional charges for piler and/or conveyor system usage, if needed, and all bidders propose to furnish materials and services in accordance with the Commission's specifications; and

WHEREAS, should quantities of rock salt required for the 2005/2006 snow and ice season exceed 150% of the estimates, Commission approval will be requested for such additional expenditures; and

WHEREAS, the Commission's director of contracts administration has reviewed the bids received and has advised the Commission that the procedure

followed by the Commission in advertising for Invitation No 4029 is in accordance with Section 5537.07 and Section 9.312 of the Ohio Revised Code, and that the bids of: Cargill, Inc.-Deicing Technology, North American Salt Company and Morton Salt are the lowest responsive and responsible bids received and that the Commission may legally enter into Contracts with said companies to furnish sodium chloride in accordance with Invitation No. 4029; and

WHEREAS, the executive director has reviewed the reports of both the maintenance engineer and the director of contracts administration and recommends Commission approval to award contracts to the lowest responsive and responsible bidders: North American Salt Company; Cargill, Inc.-Deicing Technology, and Morton Salt Ice-Control Mktg. Dept.

NOW, THEREFORE, BE IT

RESOLVED that the bids of the following companies:

<u>Items</u>	<u>Company</u>	<u>Bid Amount based on Estimated Quantities</u>	<u>50% of Estimated Quantities Bid</u>
1,2,3,5,12 & 13	North American Salt Company Overland Park, Kansas	\$789,197.00	\$1,183,795.50
4,6,7,8,9 & 11	Cargill, Inc.-Deicing Technology North, Olmsted, Ohio	1,045,875.00	1,568,812.50
10 and 14	Morton Salt Ice-Control Mktg. Dept. Chicago, Illinois	487,910.00	731,865.00

Total Awards reflecting 150% of estimated quantities bid: \$3,484,473.00

for Invitation No. 4029 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted and the chairperson and executive director, or either of them, is hereby authorized: (1) to execute a Contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation, which Contract awards reflect 150% of estimated quantities bid for each individual delivery destination; and (2) to direct the return to other bidders of their bid securities at such time as the successful bidders have each entered into a Contract and furnished the requisite performance bond therefor; and (3) to take any and all action necessary to properly carry out the terms of said Contracts.

The Resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 38-2005.

Mr. Castrigano said that completes my report, Mr. Vice-Chairman.

The Vice-Chairman asked Mr. Jim Steiner, CFO for his report.

Mr. Steiner said, I'd like to give you a brief update on our traffic and revenue through the month of July, 2005. This first chart shows the passenger car miles traveled on the Ohio Turnpike over the past two (2) years. While we have seen a slight decline in our passenger car miles traveled this year compared to last year, there has been some improvement in the last three months. Miles traveled in July were down just 0.3% compared to last year.

Due to the improved economy, the increase in the speed limit and the temporary reduction in the toll rates, miles traveled by commercial vehicles during the last twelve (12) months continued to exceed those from the prior year. Commercial vehicle miles traveled were up 13.8% for the month of July. This bar chart shows year-to-date miles traveled. Passenger car miles traveled during the first seven (7) months of 2005 were down 1.4% from last year while miles traveled by commercial vehicles were up 17.1%.

Like the miles traveled, our toll revenues from passenger cars have been lagging behind the revenues from the last year. However, the revenues were down just 0.2% in July compared to last year. Despite the growth in our commercial traffic, our 2005 toll revenues from commercial vehicles have fallen well below those of last year due to the temporary reduction in toll rates, which became effective January 1. Our July revenues were down 8.4% from last year.

This chart shows our year-to-date toll revenues through the month of July for each of the last six (6) years. Revenues from passenger cars during the first seven (7) months of 2005 were down 1.2% from last year while the revenues from commercial vehicles were down 6.5%. Our total toll revenues during the first seven (7) months of this year were down 4.3% in comparison to last year. We are actually down 0.1% from calendar year 2000.

This final chart shows our total revenues through the month of July for the last six (6) years. Including the subsidy from ODOT of \$9.1 million, our total revenues are 4.9% higher than those from last year. However, without the subsidy, our total revenues would be 2.8% lower than those from last year, and 5.2% lower than the revenues from the first seven (7) months of calendar year 2000.

Mr. Steiner said that completes my report, Mr. Vice-Chairman, and I'd be happy to respond to any questions.

The Vice-Chairman said, thank you, Jim. Before we continue with the staff reports, why don't we skip back to the beginning of the Agenda for the election of officers. Mr. Dixon is not here, however, he is currently serving as the Commission's Secretary-Treasurer. He was elected to that office and will be serving until June 30, 2007. Assuming he is not elected to another office, he will

continue to hold that position. So what we need to do is hold an election of officers for Chairman.

Is there a nomination for the office of Chairman?

Commissioner Regula said, I'd like to nominate Vice-Chairman Balog for the office of Chairman.

Vice-Chairman Balog said thank you, is there a second?

Deputy Director Darwish seconded.

Vice-Chairman Balog said are there any other nominations? There being none, I declare the nomination closed. Roll please.

All Members voted in the affirmative for the election of **Joseph A. Balog** for the office of Chairman.

Chairman Balog said since I now have been elected Chairman, we now need to have an election for Vice-Chairman. Is there a nomination for Vice-Chairman?

Commissioner Kidston said, I'd like to nominate David Regula for the office of Vice-Chairman.

Chairman Balog said, is there a second?

Deputy Director Darwish seconded.

Chairman Balog said are there any other nominations? There being none, I declare the nominations closed. Roll please.

All Members voted in the affirmative for the election of **David Regula** for the office of Vice-Chairman.

Chairman Balog said General Counsel has prepared a resolution, a draft copy of which has been included in your folders. Noelle, would you present that to the Commission?

General Counsel read the Resolution as follows:

RESOLVED that the election of **JOSEPH A. BALOG**, as chairman of the Ohio Turnpike Commission and **DAVID O. REGULA**, as vice-chairman of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 (C) and Article I of the Commission's Code of Bylaws dated March 17, 2003, to serve until the next election which shall be held at the first meeting of the Commission

held after the 30th day of June, 2007 or until their respective successors are elected and qualified, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, hereby is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws dated March 17, 2003, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof."

Chairman Balog said, is there a motion?

Deputy Director Darwish moves and Commissioner Kidston seconded.

Chairman Balog said any questions? Please call the roll.

The "Resolution Confirming Election of Officers" was moved for adoption.

RESOLUTION NO. 39-2005

RESOLVED that the election of **JOSEPH A. BALOG**, as chairman of the Ohio Turnpike Commission and **DAVID O. REGULA**, as vice-chairman of the Ohio Turnpike Commission, pursuant to Ohio Revised Code Section 5537.02 (C) and Article I of the Commission's Code of Bylaws dated March 17, 2003, to serve until the next election which shall be held at the first meeting of the Commission held after the 30th day of June, 2007 or until their respective successors are elected and qualified, or until such officers individually shall cease to be members of the Ohio Turnpike Commission, hereby is confirmed as having taken place at this meeting in accordance with law and the Commission's Code of Bylaws dated March 17, 2003, and the assistant secretary-treasurer is directed to enter this resolution in the journal of the Commission as a record thereof.

The resolution was adopted with all Members voting in the affirmative. The Resolution was identified as No. 39-2005.

Chairman Balog said since we did not have the report of the Secretary-Treasurer, will our Assistant Secretary-Treasurer, Mr. Suhadolnik, give that report?

Mr. Suhadolnik said, I will and congratulations, Mr. Chairman.

The following items have been sent to the Members since the last regularly scheduled meeting of the Commission on July 18, 2005.

1. Minutes of the July 18, 2005 Commission Meeting
2. Traffic & Revenue Report, July, 2005 *
3. Total Revenue by Month and Year, July, 2005 *
4. Investment Report, July, 2005 *
5. Financial Statements, July 31, 2005 *

6. Various News Releases

* in Commission Member's folders

The Chairman said I have been advised that our financial advisor, Mr. Eric Erickson is out of town. Is there a report from our general consultant, HNTB?

Mr. Tony Yacobucci said, bridges, culvert, roadway and sign support inspections have been completed with the exception of those in the active work zones which will be completed in November, 2005. The facilities inspections are complete and the field note reports will be submitted by the end of this month. Our Annual Inspection Report will be completed by the end of September and submitted at that time.

The Chairman said, does our Trustee, Mr. Lamb have a report?

Mr. Lamb said, no report Mr. Chairman.

The Chairman said Capt. Ferguson from the OSHP, do you have a report?

Captain Ferguson said as Director Suhadolnik referred to in his initial report, we have had some fatal crashes on Friday, August 12 and Saturday, August 13th afternoon. The Swanton Post investigated a fatal crash that occurred westbound on the Ohio Turnpike at Milepost 64.5 in Wood County. This crash occurred at approximately 2:10 p.m. on Friday, August 12th. That investigation revealed that exiting westbound traffic approaching Exit 64 was "stop and go" in the driving lane of a two-lane roadway approaching the exit. A semi driven by a woman from Dover, Arkansas had moved into the right lane behind the stopped traffic. She failed to slow sufficiently and struck the rear of a car driven by a man from Strongsville, Ohio. The semi also struck the rear of a car which was driven by a man from Homer City, Pennsylvania which was ultimately the fatality vehicle. That car was pushed into the rear of a car driven by a man from Cleveland. That vehicle also struck another vehicle, a silver mini-van driven by a woman from Maryland. The mini-van was pushed into the left lane where it struck a van driven by a man from Edwardsville, Illinois. Michelle Williams' (age 56), a passenger in the car from Pennsylvania driven by her husband, Arthur, was pronounced dead at the scene. Mr. Williams was transported by Life-Flight to the Medical University of Ohio in Toledo. He is still in critical condition.

Mr. Costello was another person injured in the crash. There were three additional occupants in his vehicle, who were transported to St. Vincent's Hospital in Toledo for non-life threatening injuries. All other passengers of the other vehicle were treated for non-life threatening injuries. This crash is still under investigation. Pursuant to consultation with the Wood County Coroner's and Prosecutor's Offices, are contemplating charges.

On Saturday, August 13th, the Milan Post investigated a fatal crash involving two commercial vehicles. That crash occurred at 2:10 p.m. at the westbound lanes at Milepost 133 in Lorain County. Semi #1 was traveling in the middle lane when the driver veered left and then swerved right going off the right side of the roadway. Semi #2 was in the right lane behind #1, swerved to the right to avoid contact with #1, drove off onto the berm, sideswiped a guardrail before coming to a stop. There was actually no contact between these two trucks. The first semi hit a guardrail, came off the end of that guardrail, continued to a ditch, traveled into a wood area striking trees and then caught on fire. The semi was about fifty (50) feet north of the roadway when it came to rest. That truck was completely destroyed by fire. Both the driver and passenger were fatally injured. They were both from Madison Heights, Michigan.

South Amherst and Florence Township Fire Departments assisted on the scene. Ohio Turnpike Maintenance employees assisted with traffic control. Traffic was delayed for several hours and the roadway was closed for about forty-five (45) minutes while the fire was being contained.

That completes my report other than to say that these two accidents make it the 6th fatal crashes occurring on the Ohio Turnpike this year with seven (7) fatalities. That compares to seven crashes with eight killed through August, 2004. Hopefully, we can get things a little safer out here. I'll answer any questions you might have.

Commissioner Regula said, in both instances, were these tractor-trailers or combination vehicles? Were they loaded or unloaded?

Captain Ferguson said, tractor-trailers. I don't have that information. I know they were full-size semis, but I don't know as far as weight.

Commissioner Regula asked, were the occupants in the first accident wearing their seat belts?

Captain Ferguson said safety belt usage was being maintained in both of those crashes. Because of the fire in Saturday's crash, we don't know if the passenger was belted. The female driver was belted. Everyone was belted in Friday's crash.

Chairman Balog said, if there is no further business, I'll accept a motion to adjourn until **Monday, September 12th**. Would everyone note that this meeting is scheduled one week earlier because of the IBTTA meeting in Cleveland which commences on September 19th. Our meeting is scheduled for **September 12th at 10:00 a.m.**

Deputy Director Darwish moves to adjourn and Commissioner Kidston seconded.

The Chairman said, please call the roll.

The Executive Director said before I call the roll, I'd like to remind the Commission Members if you are planning to attend the IBTTA meeting, please see Diane so we can register you for any portions of the program you'd like to attend.

All Members voted in the affirmative to adjourn. Time of adjournment was 10:52 a.m.

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

George F. Dixon, Secretary-Treasurer