

MINUTES OF THE 521st MEETING OF THE OHIO TURNPIKE COMMISSION

March 20, 2006

Pursuant to the bylaws, the Ohio Turnpike Commission met for a regular meeting at the Commission's Administration Building at 10:02 a.m. on March 20, 2006, with members of the staff: Jerry Pursley, Deputy Executive Director; Noelle Tsevdos, General Counsel; Kathleen Weiss, Dir. of Contracts Administration; James T. Steiner, CFO/Comptroller; W. R. Fleischman, Assistant Chief Engineer; Tim Ujvari, Maintenance Engineer; Dave Miller, Director of Audit & Internal Controls; Lauren Hakos, Manager, Public Affairs; Crickett Jones and Diane Pring.

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

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

Absent: Representative Buehrer.

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 Chairman called the meeting to order.

The Chairman said we have a number of guests here today, so I'd like everyone to introduce themselves as we customarily do: Jodi Kidston (Ed Kidston's daughter); Bobby Everhart, Mike Burgess, Scott Buchanan, URS; Eric Erickson, Fifth Third Bank; Tony Yacobucci, Katie Ott, HNTB; Todd Cooper, Dick Corporation; Frank Lamb, Huntington National Bank; Mark Fisher, A. G. Edwards; John Lee, Robert Schmidt, J. P. Morgan; Don Glosser, Lichtenstein Associates; John Petty, Nat City Investments and Joe Rice, Rice Consulting.

The Chairman said this is the 521st 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 Chairman said could I have a motion to adopt the minutes of the February 23, 2006 Commission Meeting?

Commissioner Dixon moved and Commissioner Kidston seconded. All other Members voted in the affirmative, and the minutes were adopted.

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

The Secretary-Treasurer said, the following items have been sent to the Members since the last scheduled meeting of the Commission on February 23, 2006:

1. Minutes of the February 23, 2006 Commission Meeting
2. Traffic & Revenue Report, February, 2006
3. Total Revenue by Month and Year, February, 2006
4. Investment Report, February, 2006
5. Financial Statements, February 28, 2006 *
6. Traffic Crash Summary, February 2006
7. Various News Releases

* *in Member's folders*

The Chairman asked Director Suhadolnik for his report.

Director Suhadolnik said, Assistant Chief Engineer, Rob Fleischman will be sitting in for Chief Engineer, Dan Castrigano, who had an appointment this morning.

A representative from the OSHP will not be giving a report this morning because they are involved in the President's security detail. Captain Hannay asked me to report that, since his last report, one fatality occurred on March 2, 2006 at the Middle Ridge Service Plaza. A female driver exited Middle Ridge and went the wrong way out of the service plaza into oncoming traffic. She struck a vehicle on our mainline, and the passenger in that vehicle was killed. The OSHP suspect the driver was impaired, however, they are awaiting test results.

I'd like to present the first resolution pertaining to modification of the Paywerks (formerly TrafficWerks) contract. As you recall, this contract relates to the "pilot program" we initiated in 2004 to manufacture and test two (2) automated toll payment machines (ATPMs). The ATPMs were installed at Interchange 140 in Lorain County for use at non-peak times and most recently at Interchange 161 in Cuyahoga County.

I'm happy to report that we are now recording about 800 transactions per day and recently generated \$100 in credit card transactions at Interchange 161 which connects with I-71. That's a substantial amount considering many of those tolls are \$.50 or a \$1.00.

This resolution authorizes me to purchase four (4) additional ATPMs (one full-service and (3) credit-card only machines.) The Chief Engineer recommends

that we conclude the final phase of this program by installing one additional “full service” ATPM as well as one “credit card only” ATPM at Interchange 140 in Lorain County. This will allow us to test a complete automation of the Interchange during non-peak hours.

We’d also like to test a “credit-card only” machine at our busy interchanges; Interchange 142 and Interchange 151, which are primarily used by commuters to access I-90 and I-480, respectively. Since these interchanges are currently under construction, the installation can be accomplished efficiently and at a minimal cost.

In addition, Paywerks gave us a substantial discount when we purchased three (3) credit-card only ATPMs instead of two (2) units.

We will conclude the final phase of the pilot program and determine whether this automation project is worth continuing. After the ATPM testing is completed, I will issue a report to the Commission concerning its viability and compatibility with the Turnpike’s current Toll Collection System.

Would the General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

“RESOLVED that the executive director and the director of contracts administration are granted authority to prepare the second Addendum to the **Paywerks’** Contract in the amount of **\$251,100.00**, which Addendum will authorize Paywerks to proceed with the manufacture and installation of one (1) full service and three (3) credit-card only ATPM’s pursuant to the terms and conditions of the Contract awarded on July 19, 2004, as it shall be modified by its Second Addendum; and

“FURTHER RESOLVED that, when the ATPM testing is completed, a report will be issued to the Commission concerning its viability and demonstrated compatibility with the Turnpike’s Toll Collection System.”

The Chairman said, is there a motion?

Commissioner Dixon moved and Commissioner Regula seconded.

The Chairman said, are there any questions or discussion?

Commissioner Dixon said, I’d like to congratulate the staff. I’m happy in the way we are moving slowly to look into the fare collection devices. It gives us more flexibility to collect the tolls. The staff is doing a great job especially with the testing of this new equipment. It enhances our operations at the various toll plazas. It’s another great tool which helps us do our job better. Great job, Gary.

The "Resolution Directing the Executive Director to Modify the Contract with Paywerks, Inc." was moved for adoption.

Resolution No. 10-2006

WHEREAS, pursuant to Resolution No. 36-2004 adopted on July 19, 2004, the Commission's executive director was authorized by the Commission to enter into a contract with **Trafficwerks Systems, Inc.** ("Trafficwerks") of Newport Beach, California, for the initiation of a "Pilot Program" in the amount of \$164,000.00 to manufacture and test two (2) automated toll payment machines ("ATPM's") designed for use at any of the Commission's thirty-one (31) interchanges; and

WHEREAS, the purpose of the Pilot Program is to determine whether the ATPM's can successfully be integrated into the Commission's Toll Collection Systems; and

WHEREAS, pursuant to Resolution No. 29-2005 adopted on July 18, 2005, the Commission's executive director was authorized by the Commission to prepare an Addendum in the amount of \$74,368.00, which authorized Trafficwerks to proceed with Phase II of the Pilot Program that entailed the installation of commercial vehicle hardware on the two (2) ATPM's previously purchased pursuant to the terms and conditions of the initial Contract awarded on July 19, 2004; and

WHEREAS, Phase III of the Pilot Program involved enabling the feature on the ATPM's that allows for the payment of tolls via the usage of credit and debit cards; and

WHEREAS, field-testing of the two (2) ATPM's has been ongoing with one (1) ATPM at Interchange 140 in Lorain County and one (1) ATPM at Interchange 161 in Cuyahoga County; and

WHEREAS, by memorandum dated March 7, 2006, the Commission's chief engineer advises that the reliability and operation of the ATPM's are to the point that he now recommends concluding the Pilot Program by automating an entire interchange, with Toll Plaza 140 being selected for this final phase, Phase IV; and

WHEREAS, the implementation of Phase IV of the Pilot Program will include the purchase and installation of one (1) additional "full service" ATPM as well as one (1) "credit card only" ATPM at Toll Plaza 140; and

WHEREAS, the chief engineer further recommends that two (2) additional credit card only ATPM's also be purchased and installed at Interchanges 142 and 151, as these Lorain County interchanges are utilized significantly by commuters who use Interchange 140 and because those toll plazas are both currently under renovation, this installation can be accomplished efficiently at a minimal additional cost; and

WHEREAS, Trafficwerks (which has since changed its corporate status with respect to the sales of ATPM's and is now known as **Paywerks, Inc.**) has submitted a quotation in the amount of **\$251,100.00** for the manufacture and installation of one (1) full service and three (3) credit-card only ATPM's, which quotation reflects an approximate 33.4% unit-price reduction when purchasing three (3) credit card units versus one (1) unit, and which quotation has been deemed appropriate and reasonable by the chief engineer who recommends that the Commission authorize the purchase and proceed with Phase IV of the Pilot Program; 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, as indicated in the director of contracts administration's memorandum to the Commission regarding the Pilot Program, dated March 13, 2006, the magnitude of the expenditure that would be incurred with bidding an ATPM system for the entire Turnpike Toll Operation justifies testing its viability first and, given the initial success of the ATPM Pilot Program with passenger and commercial vehicles, as well as the successful implementation of credit-card only devices, the additional recommended expenditures for Phase IV are appropriate and reasonable; and

WHEREAS, the executive director has also reviewed the recommendations submitted by the chief engineer and director of contracts administration and concurs in their recommendations; and

WHEREAS, the Commission has duly considered such recommendations and desires to delegate authority to the executive director to take action on behalf of the Commission to continue with the Pilot Program by purchasing one (1) full service ATPM as well as three (3) additional credit-card only ATPM's; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the executive director and the director of contracts administration are granted authority to prepare the second Addendum to the **Paywerks'** Contract in the amount of **\$251,100.00**, which Addendum will authorize Paywerks to proceed with the manufacture and installation of one (1) full service and three (3) credit-card only ATPM's pursuant to the terms and conditions of the Contract awarded on July 19, 2004, as it shall be modified by its Second Addendum; and

FURTHER RESOLVED that, when the ATPM testing is completed, a report will be issued to the Commission concerning its viability and demonstrated compatibility with the Turnpike's Toll Collection System.

The resolution was adopted with all Members voting in the affirmative. It was identified as No. 10-2006.

The Chairman said, Assistant Chief Engineer, Rob Fleischman, I believe you have some resolutions for consideration?

Mr. Fleischman said, yes Mr. Chairman. The next resolution relates to the award of Contract No. 59-06-02, which is for resurfacing of mainline roadways between Milepost 186.90 to 205.40 in Portage County. Three (3) bids were received on this project, and the low bidder was **Shelly & Sands, Inc.** of Akron, Ohio in the amount of \$4,231,170.85. It was under the Engineer's estimate and, therefore, we are recommending that the Commission approve this award. The resolution also includes assignment of QCI (Quality Control Inspection) for performing construction inspection and Solar Testing Laboratories to perform material testing on this project.

Would General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

"RESOLVED that the bid of **Shelly & Sands, Inc.** of Akron, Ohio, in the amount of **\$4,231,170.85**, for the performance of **Contract No. 59-06-02** is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the 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 Commission hereby authorizes the executive director and the chief engineer to assign **Quality Control Inspection, Inc.** of Bedford, Ohio, to Contract No. 59-06-02 for the purpose of performing construction inspection. Such assignment shall be in accordance with the 2005-

2006 General Engineering Services Agreement between the Ohio Turnpike Commission and Quality Control Inspection, Inc.; and

“FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **Solar Testing Laboratories, Inc.** of Cleveland, Ohio, to Contract No. 59-06-02 for the purpose of performing materials testing. Such assignment shall be in accordance with the 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and Solar Testing Laboratories, Inc. and

“FURTHER RESOLVED that Project No. 59-06-02 is designated a System Project under the Commission’s 1994 Master Trust Agreement”

The Chairman said, is there a motion?

Deputy Director Darwish moved and Commissioner Kidston seconded.

The Chairman said, is there any discussion? Please call the roll.

The “Resolution Awarding Contract No. 59-06-02” was moved for adoption.

Resolution No. 11-2006

WHEREAS, the Commission has duly advertised according to law for bids upon a contract for repairs and resurfacing of the eastbound lanes of the Ohio Turnpike from Milepost 186.90 to Milepost 205.40 in Portage County, Ohio, herein designated **Contract No. 59-06-02**; and

WHEREAS, the Commission has received bids from three (3) bidders for the performance of said Contract; and

WHEREAS, said bids have been reviewed and analyzed by the Commission’s chief engineer, and he has submitted a report concerning such analysis, which report is before the Commission; and

WHEREAS, the chief engineer reports that the lowest responsive and responsible bid for the performance of Contract No. 59-06-02 was submitted by **Shelly & Sands, Inc.** of Akron, Ohio in the total amount of **\$4,231,170.85**, which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the director of contracts administration that all bids for Contract No. 59-06-02 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Shelly & Sands, Inc. for Contract No. 59-06-02 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 Shelly & Sands, Inc.; and

WHEREAS, the Commission's executive director has reviewed the reports of the chief engineer and the director of contracts administration and has made his recommendation to the Commission to award Contract No. 59-06-02 to the lowest responsive and responsible bidder, Shelly & Sands, Inc. predicated upon such analyses; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Shelly & Sands, Inc.** of Akron, Ohio, in the amount of **\$4,231,170.85**, for the performance of **Contract No. 59-06-02** is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute a Contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the 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 Commission hereby authorizes the executive director and the chief engineer to assign **Quality Control Inspection, Inc.** of Bedford, Ohio, to Contract No. 59-06-02 for the purpose of performing construction inspection. Such assignment shall be in accordance with the 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and Quality Control Inspection, Inc.; and

FURTHER RESOLVED that the Commission hereby authorizes the executive director and the chief engineer to assign **Solar Testing Laboratories, Inc.** of Cleveland, Ohio, to Contract No. 59-06-02 for the purpose of performing materials testing. Such assignment shall be in accordance with the 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and Solar Testing Laboratories, Inc. and

FURTHER RESOLVED that Project No. 59-06-02 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. 11-2006.

Mr. Fleischman said, my next resolution is for the rejection of bids received for Contract No. 77-06-01. This is a third-lane construction project, which primarily extends the third-lane from Exit 71 to Exit 64 in the Toledo area.

Two bids were received both of which were well in excess of the 10% limit over the Engineer's estimate. Therefore, by law, they need to be rejected.

Would the General Counsel read the Resolved?

General Counsel read the Resolved as follows:

"RESOLVED that the above-mentioned bids heretofore received pursuant to the advertisement for bids upon a Contract for third lane construction from Milepost 64.13 to 71.05 located in Wood County, Ohio, herein designated **Contract No. 77-06-01**, be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, and to return to the bidders the bid security furnished by each; 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. 77-06-01** for third lane construction from Milepost 64.13 to 71.05 located in Wood County, Ohio."

The Chairman said, is there a motion?

Commissioner Kidston moved and Commissioner Regula seconded.

The Chairman said, is there any questions or discussion? Please call the roll.

The "Resolution Rejecting the Bids Received for Contract No. 77-06-01" was moved for adoption.

Resolution No. 12-2006

WHEREAS, the Commission has duly advertised according to law for bids upon a contract for third-lane construction from Milepost 64.13 to 71.05 located in Wood County, Ohio, (including safety upgrading, widening of bridges within the construction zone and resurfacing of existing travel lanes from Milepost 69.30 to Milepost 71.05) herein designated **Contract No. 77-06-01**; and

WHEREAS, the Commission received two (2) bids for the performance of said Contract from The Shelly Company of Findley, Ohio and Miller Brothers Construction of Archbold, Ohio; and

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

WHEREAS, the Commission's chief engineer reports that the lowest bid for Contract No. 77-06-01, as submitted by The Shelly Company, was approximately twenty percent (20%) above the consulting engineer's estimate and, therefore, neither bid can be considered for award and should be rejected; and

WHEREAS, the Commission's director of contracts administration concurs with the chief engineer's recommendation and has submitted a report advising the Commission that, pursuant to the bidding documents for Contract No. 77-06-01 and Ohio Revised Code Section 5537.07(A), the Commission has expressly reserved the right to reject any and all bids, and that pursuant to Ohio Revised Code Section 153.12, the Commission legally must reject all bids if they are greater than ten percent (10%) above the engineer's estimate; and

WHEREAS, the Commission's executive director has made his recommendation to the Commission to reject both bids received for Contract No. 77-06-01 predicated upon the analysis of the chief engineer and the director of contracts administration; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the above-mentioned bids heretofore received pursuant to the advertisement for bids upon a Contract for third lane construction from Milepost 64.13 to 71.05 located in Wood County, Ohio, herein designated **Contract No. 77-06-01**, be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, and to return to the bidders the bid security furnished by each; 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. 77-06-01** for third lane construction from Milepost 64.13 to 71.05 located in Wood County, Ohio.

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 12-2006.

Mr. Fleischman said, my next resolution is to award a contract to furnish and apply retro-reflective pavement markings on the Turnpike's mainline roadways and interchange ramps. This is a fancy title for the re-painting of the lines on the mainline and interchange ramps. Three (3) bids were received pursuant to this Invitation. The low bid was submitted by **Oglesby Construction, Inc.** of Norwalk, Ohio in the amount of \$735,577.80 which is lower than the Engineer's estimate. The bids were reviewed by the maintenance engineer, and he is also recommending award to Oglesby.

Would General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

“RESOLVED that the bid of **Oglesby Construction, Inc.** of Norwalk, Ohio, in the total amount of **\$735,577.80** under Invitation No. 4036 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute a Contract with the 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 Contract; and

“FURTHER RESOLVED that the Commission hereby authorizes and directs the executive director and the chief engineer to assign **Proudfoot Associates** of Toledo, Ohio to the Contract resulting from Invitation No. 4036 for the purpose of performing inspection services. Such assignment shall be in accordance with the 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and Proudfoot Associates.”

The Chairman said, is there a motion?

Deputy Director Darwish moved and Commissioner Dixon seconded.

The Chairman said, are there any questions?

Commissioner Dixon said, this is strictly painting, you are not using any of those now controversial reflective things?

The Chairman said, do you mean the RPMs?

Mr. Fleischman said, it's just painting.

The Chairman said, I had a discussion with our Chief Engineer on that issue on the telephone the other day. We talked about our maintenance program. Because we do a relatively continuous maintenance program and we are constantly resurfacing, we have not experienced the same difficulties on the Turnpike that they have elsewhere with that particular item. That is certainly something that they are looking at very closely.

Commissioner Regula said, we paint once a year, correct?

Mr. Fleischman said, yes.

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

The "Resolution Awarding a Contract to Furnish and Apply Retro-Reflective Pavement Markings on the Ohio Turnpike's Mainline Roadway and Interchange Ramps" was moved for adoption.

Resolution No. 13-2006

WHEREAS, the Commission advertised for bids for Invitation No. 4036 for furnishing and applying retro-reflective pavement markings on the Ohio Turnpike's mainline roadway and interchange ramps located in Williams, Fulton, Lucas, Wood, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull and Mahoning Counties, Ohio (*Milepost 0.0 to Milepost 241.2*); and

WHEREAS, the Commission received bids from three (3) bidders in response to said Invitation; and

WHEREAS, said bids were reviewed and analyzed by the Commission's maintenance engineer, and he has submitted a report concerning said analysis, which report is before the Commission; and

WHEREAS, the maintenance engineer reports that the lowest responsive and responsible bid for the performance of the work under Invitation No. 4036 was submitted by **Oglesby Construction, Inc.** of Norwalk, Ohio, in the total amount of **\$735,577.80**, which bid is below the Commission's estimated expenditure for this Contract and which bid he recommends be accepted by the Commission; and

WHEREAS, the Commission has also been advised by the director of contracts administration that bids for Invitation No. 4036 were solicited on the basis of the same terms and conditions and the same specifications, that the bid of Oglesby Construction, Inc. for Invitation No. 4036 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 Oglesby Construction, Inc.; and

WHEREAS, the Commission's executive director has reviewed the reports of the maintenance engineer and the director of contracts administration and has made his recommendation to the Commission to award a Contract for Invitation No. 4036 to the lowest responsive and responsible bidder, Oglesby Construction, Inc., predicated upon such analyses; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Oglesby Construction, Inc.** of Norwalk, Ohio, in the total amount of **\$735,577.80** under Invitation No. 4036 is, and is by the

Commission, determined to be the lowest responsive and responsible bid received for the performance of said Contract, and is accepted, and that the chairperson and executive director, or either of them, hereby is authorized: (1) to execute a Contract with the 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 Contract; and

FURTHER RESOLVED that the Commission hereby authorizes and directs the executive director and the chief engineer to assign **Proudfoot Associates** of Toledo, Ohio to the Contract resulting from Invitation No. 4036 for the purpose of performing inspection services. Such assignment shall be in accordance with the 2005-2006 General Engineering Services Agreement between the Ohio Turnpike Commission and Proudfoot Associates.

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 13-2006.

Mr. Fleischman said, my final resolution is entitled, "Resolution Directing the Executive Director to Take Immediate Action Concerning Extension of Contract for the Furnishing and Applying Herbicide on Right-of-Way Areas." This is an extension of the DeAngelo Brothers' contract that was awarded pursuant to Resolution No. 16-2005 last year. The original contract award was \$220,000, but it included an option to extend the contract for this year.

The maintenance engineer has requested that the contract be extended, but only for "Area A" spraying. "Area A" includes the guardrail and sign structures along the entire length of the Turnpike. Last year's spraying program involved spraying slopes as well. Limiting this year's program to "Area A" was done to save on the amount of money spent on spraying. The amount, however, exceeds 10% of the original purchasing authority granted to the executive director. Therefore, it requires Commission approval.

Would General Counsel please read the Resolved?

General Counsel read the Resolved as follows:

"RESOLVED that the Commission hereby authorizes the executive director and director of contracts administration to execute an extension of Contract No. 4016 for the 2006 growing season in the amount of **\$53,580.00** with **DeAngelo Brothers, Inc.** of Hazelton, Pennsylvania, pursuant to the same terms and conditions as those set forth in the original bidding documents of Invitation No. 4016 (Groups I and II, Area A only) and to take any and all action necessary to properly carry out the terms of said Contract extension."

The Chairman said, is there a motion?

Commissioner Kidston moved and Commission Dixon seconded.

The Chairman said if there is no discussion on the resolution, please call the roll.

The "Resolution Directing the Executive Director to Take Immediate Action Concerning Extension of Contract for the Furnishing and Applying Herbicide on Right-of-Way Areas" was moved for adoption.

Resolution No. 14-2006

WHEREAS, on April 18, 2005, via Resolution No. 16-2005, the Commission awarded a Contract to **DeAngelo Brothers, Inc.** of Hazelton, Pennsylvania (with offices in Gibsonburg, Ohio) in the total amount of \$220,000.00 for the furnishing and applying herbicide on right-of-way areas during the 2005 growing season between Milepost 0.0 and 241.2, pursuant to the terms and conditions set forth under Invitation No. 4016; and

WHEREAS, the subject Contract award made to DeAngelo Brothers, Inc. contains an option to extend for the 2006 growing season; and

WHEREAS, the Commission's maintenance engineer, in his memorandum dated February 2, 2006, has indicated that DeAngelo Brothers satisfactorily completed the work performed in 2005 in accordance with the contract requirements, and he has recommended that the Commission exercise its option to extend the subject Contract for the 2006 growing season in the amount of \$53,580.00 covering Groups I and II as originally bid, but for Area A only; 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 or would unduly delay the completion of [a] project;" and

WHEREAS, the director of contracts administration, in her report to the Commission, has indicated that she reviewed the pertinent documents received and the actions taken by the Commission's administrative staff with respect to the option to extend the subject Contract pursuant to the same terms and conditions as set forth in the original bidding documents, and has advised the Commission that it has full legal authority to enter into the proposed Contract extension with DeAngelo Brothers, Inc.; and

WHEREAS, based on the recommendations of the maintenance engineer and the director of contracts administration, the executive director requests

Commission approval to exercise the option to extend the subject Contract for the 2006 growing season in the amount of \$53,580.00, pursuant to the same terms and conditions set forth under Contract No. 4016 for Groups I and II, Area A only.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the executive director and director of contracts administration to execute an extension of Contract No. 4016 for the 2006 growing season in the amount of **\$53,580.00** with **DeAngelo Brothers, Inc.** of Hazelton, Pennsylvania, pursuant to the same terms and conditions as those set forth in the original bidding documents of Invitation No. 4016 (Groups I and II, Area A only) and to take any and all action necessary to properly carry out the terms of said Contract extension.

The resolution was adopted with all Members voting in the affirmative. The resolution was identified as No. 14-2006.

(Mr. Joe Rice arrived at 10:20 a.m.)

Mr. Fleischman said, that concludes my report, Mr. Chairman.

The Chairman said, now we'll continue with the staff reports. General Counsel, Noelle Tsevdos, do you have a report?

General Counsel said, no report, Mr. Chairman.

The Chairman said, Jim Steiner, CFO, do you have a report?

Mr. Steiner said, I'd like to give you a brief update on our traffic and revenue up through the month of February. This slide shows the passenger car miles traveled on the Ohio Turnpike over the past two (2) years. The continued mild weather has helped increase our passenger car miles traveled in the month of February to 3.1% above the level reached last year. The strong economy helped increase February's commercial vehicle miles traveled to 7.0% beyond the level reached last year. This bar chart shows year-to-date miles traveled. Passenger car miles traveled during the first two (2) months of 2006 were up 4.1% as compared to last year, and the miles traveled by commercial vehicles were up 9.7%.

With the increase in miles traveled, our revenues from passenger cars was up 2.7% in February as compared to 2005. With the toll rates this year staying the same as they were in 2005, our revenues for commercial vehicles were up 7.3% in February in comparison to last year. This chart shows year-to-date toll revenues through the month of February for each year. Toll revenues from passenger cars during the first two (2) months of 2006 were up 3.8% from

last year and the revenues from commercial vehicles were up 10.2%. Total toll revenues during the first two (2) months of this year were up 7.8% in comparison to last year.

This last chart shows our total revenues from all sources through the month of February for the last seven (7) years, including ODOT's purchase of excess capacity in 2005 and 2006, (which amounts to \$1.3 million per month). Our total revenues for the first two (2) months of 2006 were \$2.4 million, or 8.2% higher than those from last year. Without the excess capacity purchase from ODOT, total revenues would have been \$485,000 or 1.6% lower than those of the first two (2) months of calendar year 2000.

The Chairman said, Jim, let me interrupt you for a minute. I think this is an interesting chart. We tend to pass over these statistics rather quickly and then the report is over.

Everyone on the Commission should look back to the year 2000 and compare it to where we are in 2006. If you delete the ODOT payments from the year 2006, we are operating the Turnpike with less money in the year 2006 than we did in February 2000. In the last six (6) years, there has been nothing that has gone down in price. Our wages have gone up probably approaching 20% during that period of time, we have added new interchanges, and we have more miles to plow. I think we are demonstrating that we are, in fact, "doing more with less money." I think that's an important statistic. When you look at these graphs, you don't pay a lot of attention to them. But, here we are operating with less money, not including the ODOT subsidy, than we did in the year 2000 and with a lot more expenses, that's for sure.

Mr. Steiner said, that's right Mr. Chairman. That completes my report, and I'll be happy to respond to any questions.

The Chairman said, thank you, Jim.

The Chairman said, Eric Erickson, do you have a report?

Mr. Erickson said, no report, Mr. Chairman.

The Chairman said, Tony Yacobucci, our general consultant from HNTB, do you have a report?

Mr. Yacobucci said, no report, Mr. Chairman.

The Chairman said, Mr. Lamb, trustee, do you have a report?

Mr. Lamb said, no report, Mr. Chairman.

The Chairman said, thank you. On behalf of the OSHP, Director Suhadolnik has already reported on the one fatal accident, as a representative from the OSHP could not be in attendance at today's meeting.

The Chairman said, is there any further business from any of the Members? If there is no further business, I'll entertain a motion to adjourn. Our next meeting is scheduled for **Tuesday, April 25th**. The next regularly scheduled meeting would have been scheduled for Monday, April 17th -- the Monday after Easter. We decided to move it to Tuesday, April 25th, and that date seems to work for the Members.

Commissioner Kidston moved to adjourn and Commissioner Regula seconded.

All Members voted in the affirmative to adjourn.

Time of adjournment was 10:24 a.m.

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

George F. Dixon, Secretary-Treasurer