

**MINUTES OF THE 545<sup>th</sup> MEETING OF THE OHIO TURNPIKE COMMISSION**  
**October 20, 2008**

**Chairman:** Good morning, the meeting will come to order. Will the Assistant Secretary-Treasurer please call the roll?

**Assistant Secretary-Treasurer:** Chairman Balog

**Mr. Balog:** Here

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Here

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Here

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Here

**Assistant Secretary-Treasurer:** Mr. Jerse

**Mr. Jerse:** Here

**Assistant Secretary-Treasurer:** Mr. Chairman, those are all that said they would be here.

**Chairman:** Thank you. Bonnie Teeuwen, Representative Reinhard, and Nikos Kaplanov all called to say that they would not be able to attend. We have not heard from Senator Buehrer's office, so we assume that he will not be here. We have a number of guests here today and in keeping with past practices I'd like everyone to introduce themselves. Mr. Steiner?

**Those in attendance:** Jim Steiner, CFO/Comptroller Ohio Turnpike; Eric Erickson, Fifth Third Securities; Jennifer Diaz, Legal Department, Ohio Turnpike; Kathy Weiss, Director of Contracts Administration & Governmental Affairs, Ohio Turnpike; Tony Yacobucci, HNTB; Major Peyton Watts, Ohio State Highway Patrol; Roger Hannay, Ohio State Highway Patrol; Don Glosser, Crawford, Murphy & Tilly; Neil Greshan, URS; Tim Ujvari, Maintenance Engineer, Ohio Turnpike; Rob Fleischman, Assistant Chief Engineer, Ohio Turnpike; Karen Farkas, Plain Dealer; John Frola, CT; Keith Stanich, Dick Corporation; Dave Miller, Director of Audit and IC, Ohio Turnpike; Joshua Burkes, HNTB.

**Chairman:** Thank you. This is the 545<sup>th</sup> meeting of the Ohio Turnpike Commission. We are meeting here at the Commission headquarters in Berea as provided in the Commission's Code of Bylaws for a regularly scheduled meeting. Various reports will be received and we will act on several resolutions, draft copies have been provided to the Members previously. We have updated drafts are in the Members' folders. The resolutions will be explained during the appropriate reports. May I have a motion to adopt the minutes of the September 15, 2008 Commission Meeting?

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Kidston:** Second

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**Chairman:** If there are no questions, we will move to the report of the Secretary-Treasurer.

**Assistant Secretary-Treasurer:** The following items have been sent to the Members since the last scheduled meeting of the Commission on September 15, 2008:

1. Minutes of the September 15, 2008 Commission Meeting
2. Traffic Crash Summary, August, September, 2008
3. Traffic & Revenue Report, September, 2008
4. Total Revenue by Month and Year, September, 2008

5. Investment Report, September, 2008
6. Financial Statement, September, 2008
7. Budget Report, Nine Months, September, 2008

That completes my report Mr. Chairman. I'd be happy to answer any questions.

**Chairman:** Thank you. Any questions for the Secretary-Treasurer? Move to the report of the Executive Director.

**Executive Director:** Mr. Chairman and Members of the Commission I have no formal report except to let you know that we are progressing with our conversion to electronic tolling and you have one contract today for your consideration, a resolution to award a contract for the toll modification. This will be the first in a series that will be out for bid later this month for the two remaining sections, so we are progressing well.

**Chairman:** Anything further? Any questions for the Executive Director? Next let's turn to the resolutions. Chief Engineer, Dan.

**Chief Engineer:** Thank you Mr. Chairman. I have four resolutions for your consideration this morning. The first is awarding Invitation No. 4104. It is for a contract for cleaning and janitorial services for all of our thirty-one toll plazas and three Highway Patrol Posts. The contract is for an initial term of one year with a possible one year renewal term. The contract was divided into three groups geographically across the state. Bidders were given the option to submit bids on any or all groups of the contract. The apparent low bids in response to Group I and Group III were submitted by Any Domestic Work, dba A.D.W., Inc., of Parma, Ohio for the annual fees of \$69,720.00 and \$63,840.00, respectively. The apparent low bid in response to Group II was submitted by American Maintenance Services, Inc., of Youngstown, Ohio with the annual fee of \$60,000.00. All bids were below the estimate. All have performed satisfactorily for the Commission in the past. Mr. Chairman, just for a note, American Maintenance Services is a MBE contractor. The total award is in the amount of \$193,560.00. If the General Counsel would please read the resolved.

**General Counsel:** NOW, THEREFORE, BE IT RESOLVED that the following bids:

<u>Group</u>	<u>Company</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
I	Any Domestic Work, Inc. dba A.D.W., Inc. Parma, Ohio	\$5,810.00	\$69,720.00
II	American Maintenance Services, Inc. Youngstown, Ohio	5,000.00	60,000.00
III	Any Domestic Work, Inc.	5,320.00	<u>63,840.00</u>

dba/ A.D.W., Inc.  
Parma, Ohio

**Total Award .....\$193,560.00**

under Invitation No. 4104 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the Executive Director, or the Director of Contracts Administration or either of them, is hereby authorized to: 1) execute Contracts with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; 2) direct the return to the bidders of their bid guaranty at such time as the above-mentioned bidders have entered into their respective Contracts and furnished the performance bond required thereby; 3) renew said Contracts for a one year period after completion of a satisfactory performance review by the Toll Operations Department; and 4) take any and all action necessary to properly carry out the terms of said Contracts.

**Chairman:** Motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Second?

**Mr. Regula:** Second.

**Chairman:** Discussions or questions on the resolution before the Commission? Mr. Dixon.

**Mr. Dixon:** Mr. Chairman, American Maintenance you said was...

**Chief Engineer:** Mr. Chairman and Commission Member Dixon, that is correct. American Maintenance Services is a MBE contractor.

**Mr. Dixon:** Okay.

**Chairman:** Anything further Mr. Dixon?

**Mr. Dixon:** I'm good.

**Mr. Regula:** Just one quick question. What was our costs on the previous ones?

**Chief Engineer:** Mr. Chairman and Commission Member Regula, the last time this was bid was in 2006 where an initial one year, we exercised the one year. The annual fee was just over \$202,000.00, so we are realizing a little bit of a savings here.

**Mr. Regula:** Thank you.

**Chairman:** Any further questions? Please call the roll.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**RESOLUTION NO. 46-2008**

**Resolution Awarding Contracts for Cleaning and  
Janitorial Services at the Commission's Toll Plazas and  
OSHP Posts 89, 90 and 91 under Invitation No. 4104**

WHEREAS, the Commission duly advertised for bids for Invitation No. 4104 for furnishing all service and materials for cleaning all the Commission's thirty-one Toll Plazas and Ohio State Highway Patrol Posts 89, 90 and 91, for an initial term of one year with a possible one-year renewal term; and

WHEREAS, this Invitation was divided into the following groups: **Group I** (*Interchanges 2 through 91 and the Swanton Patrol Post 89*); **Group II** (*Interchanges 110 through 173 and the Milan Patrol Post 90*); and **Group III** (*Interchanges 180 through 239 and the Hiram Patrol Post 91*), and bidders were given the option to submit bids for any or all Groups; and

WHEREAS, the Commission received three bids in response to Group I, four bids in response to Group II, and five bids in response to Group III; and

WHEREAS, it is anticipated that the expenditures by the Commission for furnishing all service and materials for cleaning all the Commission's Toll Plazas and Ohio State Highway Patrol Posts 89, 90 and 91 under Invitation No. 4104 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 Contracts; and

WHEREAS, the bids received were reviewed by the Director of Toll Operations who has stated that the lowest responsive and responsible bids from companies proposing to furnish materials and services in accordance with the Commission's specifications were submitted as follows:

<u>Group</u>	<u>Company</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
I	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	\$5,810.00	\$69,720.00
II	American Maintenance Services, Inc. Youngstown, Ohio	5,000.00	60,000.00
III	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	5,320.00	<u>63,840.00</u>
<b>Total Award .....</b>		<b>\$193,560.00</b>	

WHEREAS, the Commission's Director of Contracts Administration has advised the Commission that bids for Invitation No. 4104 were solicited on the basis of the same terms, conditions and specifications with respect to all bidders, that the bids of both ADW, Inc. and American Maintenance Services, Inc. conform to the requirements of Ohio Revised Code Sections 5537.07 and 9.312, and that a bid guaranty of good and sufficient surety was provided by both bidders; and

WHEREAS, the Executive Director has reviewed the reports of the Director of Toll Operations and the Director of Contracts Administration and has made his recommendation to the Commission that Contracts be awarded to the above-mentioned lowest responsive and responsible bidders predicated upon such analyses; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT RESOLVED that the following bids:

<u>Group</u>	<u>Company</u>	<u>Monthly Fee</u>	<u>Annual Fee</u>
I	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	\$5,810.00	\$69,720.00
II	American Maintenance Services, Inc. Youngstown, Ohio	5,000.00	60,000.00
III	Any Domestic Work, Inc. dba/ A.D.W., Inc. Parma, Ohio	5,320.00	<u>63,840.00</u>
<b>Total Award .....</b>		<b>\$193,560.00</b>	

under Invitation No. 4104 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted, and the Executive Director, or the Director of

Contracts Administration or either of them, is hereby authorized to: 1) execute Contracts with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid Invitation; 2) direct the return to the bidders of their bid guaranty at such time as the above-mentioned bidders have entered into their respective Contracts and furnished the performance bond required thereby; 3) renew said Contracts for a one year period after completion of a satisfactory performance review by the Toll Operations Department; and 4) take any and all action necessary to properly carry out the terms of said Contracts.

**Chief Engineer:** Thank you. The second resolution is authorizing a new Master Contract with the Director of Public Safety for policing of the Ohio Turnpike. Our current contract with the Ohio Department of Public Safety expires on December 31, 2008. Over the past several months representatives of the Commission along with the Department of Public Safety have worked on a new contract for the term of January 1, 2009 to December 31, 2013. The new Master Contract is attached and it also includes rates that are subject to review and revision every six months. If the General Counsel would please read the resolved.

**General Counsel:** RESOLVED that the Commission hereby authorizes the Executive Director and the Director of Contracts Administration to execute the Master Contract with the Director of the Ohio Department of Public Safety and the Superintendent of the Ohio State Highway Patrol, which covers the policing of the Ohio Turnpike by the Ohio State Highway Patrol, reflecting a term from **January 1, 2009, to December 31, 2013**, and to take any or all action necessary or proper to carry out the terms of said Master Contract

**Chairman:** Motion to adopt?

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Chairman:** Questions or discussion on the motion? I don't think we need to ask to Highway Patrol. It sounds like pretty much everybody has made up their minds, so please call the roll.

**Mr. Dixon:** He's got a gun.

**Chairman:** They both do.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**RESOLUTION NO. 47-2008**

**Resolution Authorizing a New Master Contract with the Director of Public Safety for Policing the Ohio Turnpike**

WHEREAS, the Ohio Turnpike Commission (“Commission”) and the Director of the Ohio Department of Public Safety (“ODPS”) are authorized by law to enter into contracts with respect to the policing of Turnpike projects by the Ohio State Highway Patrol (“OSHP”); and

WHEREAS, the Commission’s current Master Contract with the ODPS, which provides for the policing of the Ohio Turnpike by the OSHP, will expire on December 31, 2008; and

WHEREAS, the OSHP’s Executive Officer of the Office of Finance & Logistic Services and the Commission’s Director of Contracts Administration have jointly drafted and reviewed a new Master Contract, a copy of which is before this Commission, which covers the policing of the Ohio Turnpike by the OSHP from January 1, 2009, to December 31, 2013; and

WHEREAS, representatives from the Commission, the ODPS and the OSHP have reviewed the draft of the new Master Contract and recommend that it be executed by the parties, along with the attendant rates reimbursement exhibits, which shall be reviewed and re-executed twice each calendar year; and

WHEREAS, the Commission’s Director of Contracts Administration has advised the Executive Director that the Commission has full legal authority to enter into the proposed Master Contract with the ODPS, and recommends that the attached Master Contract be executed; and

WHEREAS, the Commission has duly considered such recommendations;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the Executive Director and the Director of Contracts Administration to execute the Master Contract with the Director of the Ohio Department of Public Safety and the Superintendent of the Ohio State Highway Patrol, which covers the policing of the Ohio Turnpike by the Ohio State Highway Patrol, reflecting a term from **January 1, 2009, to December 31, 2013**, and to take any or all action necessary or proper to carry out the terms of said Master Contract.



**Chief Engineer:** Thank you. The third resolution is authorizing the purchase of eight additional truck cabs, dump bodies, and plows pursuant to Invitation No. 4090. On May 12, 2008, the Commission authorized Resolution 17-2008 for the purchase of twenty-four truck cabs and chassis from Cleveland Freightliner, Inc., of Brook Park, Ohio. Dump bodies and snow equipment from Concord Road Equipment Mfg., of Painesville, Ohio and lubrication systems from All Point Systems Ltd., of Monroeville, Ohio. The Invitation contained provisions for permitting the purchase of eight additional truck cabs and chassis provided the orders were placed prior to October 31, 2008. The Maintenance Engineer, we have scheduled on our 2009 Budget eight trucks of similar size and capacity, so the Maintenance Engineer did a cost review and determined that it would be beneficial to order these now as part of this Contract. If we would go out with a new contract right now it would cost upwards of \$50,000.00 additional for these vehicles, if we waited until after the first of the year we were looking at more like \$80,000.00. The trucks that are to be disposed, the eight trucks will be disposed in accordance with the Commission's Property Disposal Policy via public auction. The total purchase for the eight cabs and chassis is \$535,880.00 from Cleveland Freightliner, Inc., Concord Road Equipment Mfg., for Group II is a total of \$613,595.76 and Group III from All Point Systems, Ltd., in the total amount of \$22,800.00. If the General Counsel would please read the resolved.

**General Counsel:** RESOLVED that the Commission hereby authorizes the additional purchase of the following under Invitation No. 4090: eight truck cabs and chassis from **Cleveland Freightliner, Inc. of Brook Park, Ohio**, in the total amount of **\$535,880.00** under Group I; eight each dump bodies, front and wing plows, central hydraulic and control systems, and lighting systems from **Concord Road Equipment Mfg. of Painesville, Ohio** in the total amount of **\$613,595.76** under Group II; and eight automatic lubrication systems from **All Point Systems, Ltd. of Monroeville, Ohio** in the total amount of **\$22,800.00** under Group III

**Chairman:** Motion to adopt?

**Mr. Kidston:** So moved.

**Chairman:** Second?

**Mr. Dixon:** Second.

**Chairman:** Discussions or questions? Please call the roll.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**RESOLUTION NO. 48-2008**

**Resolution Authorizing Purchase of Eight (8) Additional  
Truck Cabs and Chassis; Dump Bodies and Plows; and Automatic  
Lubrication Systems under Invitation No. 4090**

WHEREAS, via Resolution No. 17-2008, the Commission authorized Contracts under Invitation No. 4090 for the purchase of twenty-four truck cabs and chassis from **Cleveland Freightliner, Inc.** of **Brook Park, Ohio** (Group I); twenty-four each dump bodies, front and wing plows, central hydraulic and control systems, and lighting systems from **Concord Road Equipment Mfg., Inc.** of **Painesville, Ohio** (Group II); and twenty-four automatic lubrication systems from **All Point Systems, Ltd.** of **Monroeville, Ohio** (Group III); and

WHEREAS, all purchases under the Contracts awarded under Invitation No. 4090 also include any installations required by the aforementioned suppliers; and

WHEREAS, Invitation No. 4090 contains provisions allowing for the purchase of eight additional truck cabs and chassis, dump bodies and plows (etc.), and automatic lubrication systems at the same unit prices, provided such orders are placed prior to October 31, 2008; and

WHEREAS, the Commission's Maintenance Engineer has submitted a report indicating that the eight additional truck cabs and chassis, and dump bodies and plows (etc.) will replace four tandem axle and four single axle trucks, thus making the Commission's snow and ice operations more efficient, and he has, therefore, recommended this additional purchase under Invitation No. 4090; and

WHEREAS, the eight trucks to be replaced will be disposed of by the Commission utilizing a public auction method as outlined in the Commission's Property Disposal Policy; and

WHEREAS, expenditures for the additional orders under the three aforementioned Contracts 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 authorization of said additional purchases; and

WHEREAS, the cost of the additional purchases are broken down as follows:

Group I - Eight 2009 Sterling L8511 Truck Cabs & Chassis from **Cleveland Freightliner, Inc.** in the total amount of **\$535,880.00** (each at \$66,985.00).

Group II - Eight each dump bodies, front and wing plows, central hydraulic and control systems, and lighting systems from **Concord Road Equipment Mfg., Inc.** in the total amount of **\$613,595.76** (each at \$76,899.47 less \$200.00 per vehicle for opting for the two-stage hoist instead of the three-stage hoist).

Group III - Eight Vogel centralized lubrication systems from **All Point Systems, Ltd.** in the total amount of **\$22,800.00** (eight each at \$2,850.00).

Total - **\$1,172,275.76**

WHEREAS, the Commission's Executive Director has reviewed the report of the Maintenance Engineer and, predicated upon such analysis, has made his recommendation to the Commission to authorize the purchase of eight additional truck cabs and chassis, dump bodies and plows (etc.), and automatic lubrication systems under Invitation No. 4090 from Cleveland Freightliner, Inc. (Group I), Concord Road Equipment Mfg. (Group II), and All Point Systems, Ltd. (Group III); and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the additional purchase of the following under Invitation No. 4090: eight truck cabs and chassis from **Cleveland Freightliner, Inc. of Brook Park, Ohio**, in the total amount of **\$535,880.00** under Group I; eight each dump bodies, front and wing plows, central hydraulic and control systems, and lighting systems from **Concord Road Equipment Mfg. of Painesville, Ohio** in the total amount of **\$613,595.76** under Group II; and eight automatic lubrication systems from **All Point Systems, Ltd. of Monroeville, Ohio** in the total amount of **\$22,800.00** under Group III.

**Chief Engineer:** Thank you. The final resolution I have this morning is awarding Contract 64-08-03B. The Executive Director referenced this in his report. This is our first contract for the actual construction of our toll collection system modifications. This is for toll plaza modifications for our toll plazas located 110, 118, 135, 140, 142, 145, 151, and 152 located in Erie and Lorain counties. The contract was divided into two packages representing two trades, general trades/site work and electrical trades work. Bidders again were given the option to submit a combination bid to perform the work or submit individual bids. We received a total of six bids in reference to the contract. The apparent low bids were submitted by Mosser Construction, Fremont, Ohio for the general trades/site work in the total amount of \$825,716.90. For the electrical bid package, the low bid was submitted by Northeast Ohio Electric, dba Doan/Pyramid LLC, in the total amount of \$1,108,606.90. Both bids submitted were below the engineer's estimate. Both bidders have worked for the Commission satisfactorily in the past. The resolution also contains a provision to assign URS Corporation of Akron, Ohio to the contract for the purposes of performing construction administration and inspection services and Solar Testing Laboratories of Brooklyn Heights, Ohio for the purposes of performing materials testing. If the General Counsel would please read the resolved?

**General Counsel:** RESOLVED that the above-mentioned bids in the total amount of **\$1,934,323.80**, for the performance of the General Trades/Sitework and Electrical Trades Packages under Contract No. 64-08-03B are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized: 1) to execute a contract with **Mosser Construction of Fremont, Ohio** for the General Trades/Sitework Package in the amount of \$825,716.90, and with **Northeast Ohio Electric, LLC, dba Doan/Pyramid, LLC of Bedford Heights, Ohio** for the Electrical Trades Package in the amount of \$1,108,606.90, in the form heretofore prescribed by the Commission pursuant to their respective bids, 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 bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **URS Corporation of Akron, Ohio**, to Contract 64-08-03B for the purpose of performing construction administration and inspection services, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and URS Corporation; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Solar Testing Laboratories, Inc. of Brooklyn Heights, Ohio** to Contract No. 64-08-03B for the purpose of performing materials testing and inspection services, with such assignment in accordance with the 2007-2008 General Engineering Design Services Agreement between the Ohio Turnpike Commission and **Solar Testing Laboratories, Inc.**; and

**[FURTHER RESOLVED that Project No. 64-08-03B is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chairman:** Motion to adopt?

**Mr. Dixon:** So moved.

**Chairman:** Is there a second?

**Mr. Regula:** Second.

**Chairman:** Discussions or questions about the resolution before the Commission?

**Mr. Kidston:** Was there an option, Dan, for a combination bid?

**Chief Engineer:** Yes there was.

**Mr. Kidston:** There was, okay.

**Chief Engineer:** It just so happened that we got a better price by awarding them separately.

**Mr. Kidston:** Okay. That's all Mr. Chairman.

**Chairman:** Any further questions? Dan I have one, you know I see the prices are substantially below the engineer's estimate, but the second part is for example if you look at the Mosser bid, they are about 60% of the other bids and there is a substantial amount of money between the lower bid and the second and third and the second and third are pretty close together, are you concerned at all about that issue?

**Chief Engineer:** Mr. Chairman, our engineering staff along with our consultant reviewed the bids, we have been in contact with the contractor and everybody feels comfortable with the bid.

**Chairman:** Good. Okay. The bids that we had are, in also even the electrical, the electrical was about 80% for the low bidder compared again to two other bids that were very close, so it was the same issue.

**Chief Engineer:** I hope we have this competition next month when we award the other two packages.

**Chairman:** Any further questions? Please call the roll.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

**RESOLUTION NO. 49-2008**

**Resolution Awarding Contract No. 64-08-03B**

WHEREAS, the Commission has duly advertised according to law for bids upon a Contract for Toll Plaza Modifications for the New Toll Collection System and *E-ZPass*® Signage

at Toll Plazas 110, 118, 135, 140, 142, 145, 151 and 152, located in Erie and Lorain Counties, Ohio, designated **No. 64-08-03B**; and

WHEREAS, the subject Project is divided into bid packages representing two trades: General Trades/Sitework, and Electrical Trades Work, and bidders were given the option to submit a “Combination Bid” to perform the work of both of the aforementioned packages; and

WHEREAS, expenditures for the award(s) to be made under Contract No. 64-08-03B 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 said Contract award(s); and

WHEREAS, on October 6, 2008, the Commission received bids from six bidders for the performance of Contract No. 64-08-03B; 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 advises that the following bids for the performance of both the General Trades/Sitework Package and the Electrical Trades Package under Contract No. 64-08-03B are below the Engineer’s estimate and have been determined to be the lowest responsive and responsible bids received:

<u>Bid Package</u>	<u>Bidder</u>	<u>Amount</u>
Gen. Trades/Sitework	Mosser Construction, Fremont, Ohio	\$ 825,716.90
Electrical	Northeast Ohio Electric, LLC dba Doan/Pyramid, LLC	<u>1,108,606.90</u>
<i>Total Awards .....</i>		<b><i>\$1,934,323.80</i></b>

WHEREAS, the Commission has also been advised by the Director of Contracts Administration that all bids for Contract No. 64-08-03B were solicited on the basis of the same terms and conditions and the same specifications, that the low bids of both Mosser Construction and Doan/Pyramid, LLC for each Package under Contract No. 64-08-03B conform to the requirements of Ohio Revised Code Sections 5537.07, 9.312, 153.50 and 153.54, and that a performance bond with good and sufficient surety has been submitted by each low bidder; and

WHEREAS, the Commission’s Executive Director has reviewed the reports of the Chief Engineer and the Director of Contracts Administration and, predicated upon such analyses, has made his recommendation to the Commission to award Contract No. 64-08-03B General Trades/Sitework to Mosser Construction in the amount of \$825,716.90, and Contract No. 64-08-03B Electrical Trades Work to Doan/Pyramid, LLC in the amount of \$1,108,606.90; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the above-mentioned bids in the total amount of **\$1,934,323.80**, for the performance of the General Trades/Sitework and Electrical Trades Packages under Contract No. 64-08-03B are, and are by the Commission, determined to be the lowest responsive and responsible bids received, and are accepted, and that the Chairperson and Executive Director, or either of them, hereby are authorized: 1) to execute a contract with **Mosser Construction of Fremont, Ohio** for the General Trades/Sitework Package in the amount of \$825,716.90, and with **Northeast Ohio Electric, LLC, dba Doan/Pyramid, LLC of Bedford Heights, Ohio** for the Electrical Trades Package in the amount of \$1,108,606.90, in the form heretofore prescribed by the Commission pursuant to their respective bids, 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 bids and of said Contracts; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **URS Corporation of Akron, Ohio**, to Contract 64-08-03B for the purpose of performing construction administration and inspection services, with such assignment in accordance with the Engineering Design Services Agreement specific to this Project between the Ohio Turnpike Commission and URS Corporation; and

FURTHER RESOLVED that the Commission hereby authorizes the Executive Director and the Chief Engineer to assign **Solar Testing Laboratories, Inc. of Brooklyn Heights, Ohio** to Contract No. 64-08-03B for the purpose of performing materials testing and inspection services, with such assignment in accordance with the 2007-2008 General Engineering Design Services Agreement between the Ohio Turnpike Commission and **Solar Testing Laboratories, Inc.**; and

**[FURTHER RESOLVED that Project No. 64-08-03B is designated a System Project under the Commission's 1994 Master Trust Agreement.]**

**Chief Engineer:** Mr. Chairman, I have two other brief housekeeping items this morning. The Commission may recall that at last month's Commission Meeting we authorized the award of a contract for emergency bridge repairs at our southwest road structure at Milepost 106.2 in Erie County, just to let you know where we stand with that project, we did receive pricing from four contractors to perform the repairs. E.S. Wagner from Oregon, Ohio was the low bidder. The total amount of the repair was \$180,000.00, which was below the estimate of \$188,000.00. The notice to proceed has been issued, work has begun, and we are anticipating completion by November 13<sup>th</sup>. The final thing I have this morning Mr. Chairman is in your packet there should be a small packet, Construction Contract Summary dated October 20, 2008, in accordance with the Commission's Code of Bylaws Article 5, Section I, I am required to report to the Commission on the completion of our construction projects. Since my last report on January 22<sup>nd</sup> of this year, we completed five construction projects with an award amount of \$56.6 million dollars, final in place work was completed at about \$54.4 million dollars or a savings of little over \$2 million dollars to the Commission. Since I began reporting on this back in 2003, we have completed fifty-seven contracts at a total savings of about \$3.5 million dollars over contract award amount. That's all I have this morning Mr. Chairman.

**Chairman:** Thank you. I assume that it will be interesting to see when looking back at the resolution we just approved for the site work and electrical work at the toll plazas, to see how they will come in when you look at the discrepancy in the bids.

**Chief Engineer:** We will do our best.

**Chairman:** Yep, we appreciate it. You've done a good job in that sense. It's important that the Commission Members know where we stand as far as the extras and things, so that we don't find ourselves in some of the situations similar to some of the other public agencies. Thank you. Any questions for the Chief Engineer? General Counsel, Noelle?

**General Counsel:** No report, Mr. Chairman.

**Chairman:** Thank you. Staff Reports, CFO/Comptroller.

**CFO/Comptroller:** Good morning Mr. Chairman and Commission Members, I have an update on our traffic and our operating budget for the first nine months of the year. This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Miles traveled by passenger cars during the past twelve months have generally been below the levels reached the prior twelve months. In September, the vehicle miles traveled by passenger cars fell 11.2% below last September's total after being down only 1.6% in the month of August. The primary reason for this large difference is that there were five weekends in August and only four weekends in September this year, and the opposite situation occurred last year. As you know that daily passenger car traffic is typically much higher on weekends than during the work week. When the miles traveled for the months of August and September are combined the total is down 5.7% from last year, which is the same percentage decline we experienced in the combined months of June and July. Commercial traffic is also generally been down the last twelve months, but the calendar had the opposite effect that it had on passenger car traffic with daily commercial traffic being much higher during the work week, than on the weekends. The vehicle miles traveled were down 9.8% in August and down only 3.4% in September compared to last year. When the two months are combined, commercial vehicles miles traveled were down 6.8% from last year's total and the decline in the months of June and July averaged 5.5%. This chart shows the year-to-date vehicle miles traveled through September during each year this decade. The year-to-date passenger car miles traveled as of September 30 has been declining each year since 2004 and commercial vehicle miles traveled have been declining since 2006. Passenger car miles traveled in the first nine months were 4.4% below last year's total and 9.7% below the peak total from 2004. Commercial vehicle miles traveled in the first nine months of this year were 4.6% below last year's total and 5.8% below the total from 2006. This chart shows the year-to-date toll revenues through the month of September during each year this decade and toll revenues for the first three quarters of this year were \$6.5 million dollars or 4.4% below the amount from last year. This chart shows total year-to-date revenues from all sources for each year this decade. Total revenues as of the end of September were \$8.1 million dollars or 4.7% below those from the first nine months of 2007. In addition, the year-to-date revenues were only 1.5% higher than they were during the first nine months of calendar year 2000, while the Consumer Price Index has increased by almost 31% during this time period.



This report shows our actual General Fund Revenues, Expenditures, and Transfers for the first nine months of the year compared to the year-to-date amounts budgeted. As you know the amended budget adopted in July included a reduction in projected revenues of almost \$13 million dollars. As I mentioned earlier, toll revenues as of September 30 were \$6.5 million dollars below last year's total. However, they are also \$945,000.00 above the amended year-to-date budget. Our Traffic Consultant, Bobby Everhart of URS, projects that our toll revenues will be close to the amounts budgeted by year's end. The total year-to-date revenues are \$7.3 million dollars below last year's total, but also \$1.5 million dollars or 1% higher than the amended budget. Our year-to-date expenditures including debt service payments are at this point \$2.4 million dollars or 1.9% lower than budgeted. Most of these savings are the result of lower than expected health insurance and snow and ice removal costs along with vacant full-time toll positions and reductions in toll overtime. As you know after paying our operating expenses and debt service, the balance of the revenue is used to fund our capital expenditures. That does complete my report Mr. Chairman. I would be happy to respond to any questions.

**Chairman:** Any questions of the Commission for Mr. Steiner? Thank you very much.

**Chairman:** Any reports from the Financial Advisor?

**Financial Advisor:** No report today Mr. Chairman.

**Chairman:** Thank you. Trustee?

**Trustee:** No report Mr. Chairman.

**Chairman:** Thank you. General Consultant?

**General Consultant:** No report Mr. Chairman.

**Chairman:** Thank you. Ohio State Highway Patrol?

**Captain Hannay:** Thank you Mr. Chairman, Commission Members. I have just a brief report. In September we did investigate two fatalities. One out in the east area at Milepost 237 near Pennsylvania. A pedestrian attempting to cross the two lanes was struck by a commercial vehicle and died. We do believe that there may be some other issues along with that. We did find some evidence back at his home and in talking with his father and his parents, this gentleman had some other issues going on, so we are waiting on the coroner to give us a definitive answer on how he wants to rule this. Right now we are carrying this as a traffic fatality. Out in our west area, Swanton area near Milepost 13, we had a commercial vehicle go off the right side of the roadway, overturn onto its side, resulting in fatal injuries to the driver. That's my report, sir.

**Chairman:** Any questions for the Highway Patrol? Thank you.

**Captain Hannay:** Thank you Mr. Chairman.

**Chairman:** Any further business from the Commission Members? If there is no further business I will accept a motion to adjourn until the next regularly scheduled meeting, which will be Monday November 17<sup>th</sup> at 10:00 a.m. Is there a motion to adjourn?

**Mr. Dixon:** So moved

**Chairman:** Is there a second?

**Mr. Kidston:** Second.

**Chairman:** Please call the roll.

**Assistant Secretary-Treasurer:** Mr. Balog

**Mr. Balog:** Yes

**Assistant Secretary-Treasurer:** Mr. Regula

**Mr. Regula:** Yes

**Assistant Secretary-Treasurer:** Mr. Dixon

**Mr. Dixon:** Yes

**Assistant Secretary-Treasurer:** Mr. Kidston

**Mr. Kidston:** Yes

Time of adjournment: 10:28 a.m.

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

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George F. Dixon, Secretary-Treasurer