

**MINUTES OF THE 679th MEETING OF THE
OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION
NOVEMBER 16, 2020**

Chairman: Good morning. I am Jerry Hruby. I am the Chairman of the Ohio Turnpike and Infrastructure Commission. The time is 10:00 a.m. Please stand and join me in reciting the *Pledge of Allegiance*.

The meeting will come to order. We are here on video conference – not in person as Governor DeWine signed HB 197 into law allowing public meetings to proceed without having to gather in person. We are doing our part to help prevent the spread of COVID-19.

The Director of the Ohio Department of Transportation, Dr. Jack Marchbanks, is unable to attend today's meeting. Filling in for him this morning is Myron Pakush.

Will the Assistant Secretary-Treasurer, Ferzan M. Ahmed, please call the roll.

Assistant Secretary-Treasurer: Chairman Hruby

Chairman, Jerry Hruby: Here

Assistant Secretary-Treasurer: Vice Chairman Paradiso

Vice Chairman, Timothy Paradiso: Here

Assistant Secretary-Treasurer: Mrs. Barber

Commissioner, Sandra Barber: Here

Assistant Secretary-Treasurer: Mr. Coviello

Commissioner, Guy Coviello: Here

Assistant Secretary-Treasurer: Ms. Eaton Johnson

Commissioner, Vickie Eaton Johnson: Here

Assistant Secretary-Treasurer: Mr. Pakush

Commissioner, ODOT Proxy, Myron Pakush: Here

Assistant Secretary-Treasurer: Mr. Kennedy

Office of Budget and Management, James Kennedy: Here

Assistant Secretary-Treasurer: Senator McColley

Senator Rob McColley: Here

Assistant Secretary-Treasurer: Representative Greenspan

Representative Dave Greenspan: Here

Chairman: We have a quorum. This is the 679th Meeting of the Ohio Turnpike and Infrastructure Commission. We are holding a meeting today via Microsoft Teams.

As mentioned at the beginning, the law signed by Governor DeWine allows public meetings to be held by video conference. State law will allow us to use video conferencing for all public meetings until December 1, 2020 unless the state legislature decides to extend it. Accordingly, we can check in with our Technology team after the meeting and confirm that this was available by live stream to the public.

Various reports will be received, and we will act on resolutions. Draft copies have been sent to the Members. The resolutions will be explained during the appropriate reports.

May I have a motion to adopt the Minutes of the October 19, 2020, Commission Meeting.

MOTION: A motion to adopt the Minutes of October 19, 2020, Commission Meeting was made by Chairman Hruby and seconded by Mrs. Barber. Any questions, comments, or additions to the minutes? Hearing none. Roll call on the motion, please. All Commission Members present voted to approve the Minutes.

Chairman: The October 19, 2020 Commission Meeting Minutes are adopted. We will move on with the report of the Secretary-Treasurer that will be read today by the Assistant Secretary-Treasurer, Ferzan Ahmed.

Assistant Secretary-Treasurer: The following items have been provided to the Members since the last scheduled meeting of the Commission on October 19, 2020:

1. Five Resolutions;
2. Draft Minutes of the October 19, 2020 Commission Meeting; and
3. Agenda for today's meeting.

We have included in their folders for today's meeting, the following additional documents:

1. Traffic Crash Summary Report, October 2020;
2. Traffic and Revenue Report, October 2020;
3. Total Revenue by Month and Year, October 2020; and

4. Investment Report, October 2020.

That concludes the Secretary-Treasurer's report.

Chairman: Thank you. Any questions or comments regarding the Secretary-Treasurer's report? Hearing none, we will move on to the report from the Executive Director, Ferzan M. Ahmed.

Director Ahmed: Thank you, Mr. Chairman.

I would like to recognize Rebecca J. Forthofer with a *Letter of Commendation*. Becky is a part of the Roadway Maintenance team at our Amherst Section. A customer with car trouble wrote a very complimentary letter to us about Becky's helpful attitude and friendly nature. I will read one sentence from that letter: "I don't know whether there are commendations, or any type of award that the Ohio Turnpike gives out, but I strongly recommend Becky for her compassion." To our customer: "Thank you for reaching out to us. Becky received a *Letter of Commendation* and is of course being recognized now."

I want to congratulate Michael Sheridan, Scott Goetz, William Ulrich, and Ron Smith on reaching a significant milestone. Mike retired November 2nd from the maintenance department. Scott is with the Elmore maintenance building and will retire on November 27th. William will retire November 25th from the Toll Operations Department. Ron has had a remarkable career with the Commission having over thirty-two years in various roles in the Toll Operations Department. He began his career as a Toll Collector in March 1988 and will retire November 30th, as the Toll Operations Central District Toll Supervisor.

I thank Mike, Scott, William, and Ron for their service to the Commission and their team members and wish them the best.

The Thanksgiving holiday is upon us and preparations at all fourteen service plazas are underway in anticipation of increased holiday travel. Each plaza will have updated postings both inside and outside of the plazas reminding our customers about mask mandates and social distancing. The janitorial staff will also be increased to handle the influx of holiday travelers. There are some Service Plazas with limited food options and in preparation for the holiday season we continue working with our operators to increase both the number of concessions and the operating hours, as well as exploring the possibility of adding food trucks, as necessary.

Mr. Chairman, according to the bylaws of the Commission, one of my responsibilities is to provide an annual report to the Commission regarding standard operating procedures (SOPs). I am happy to report that the Commission's SOPs have been updated with very minor changes overall.

Our snow and ice inspections went very well and were completed the week of October 20th. All one hundred Commission snow and ice trucks along with seventeen loaders are ready to go for winter. Also, our anti-icing and de-icing materials are sufficiently stocked up and material contracts should be in place by the end of November.

During snow and ice inspections, safety checks are performed at each maintenance facility. Most corrections necessary were minor and will be corrected before year end. The inspections highlighted the dedication of commission staff at each facility. All equipment as well as the buildings were remarkably clean and well maintained.

Implementation of the new Conduent Toll Collection System (TCS) project is well underway. The Commission's Project Team and their consultants meet with Conduent personnel almost daily to finalize system requirements and business rules and to develop initial system design documentation. In addition, we meet weekly to plan and design the infrastructure needs of the new system and coordinate the construction requirements amongst the various projects. Conduent personnel completed their inspection of existing toll plazas last week. Development of the RFP for license plate image review services is nearly complete and scheduled for release in early December.

Implementation of the TransCore Customer Service Center (CSC) system continues to progress toward go-live. We were planning to go live with the new CSC software on December 8. However, software deployments are complicated, especially when being done remotely due to pandemic operations. While TransCore has made significant progress in resolving the backlog of programming issues in recent weeks, software development is not yet finalized. There were some issues identified in the formal performance test on October 28th. To deal with the issues, we will not be going live on December 8th. Go-live is now anticipated for early 2021. This delay in deployment does not affect our operations.

For the first time, we held a virtual meeting for all employees titled, "Finishing the Year Strong," which took place on Wednesday, Nov. 4th and was taped for any employee unable to attend. Marty Seekely and I spoke about topics such as the impact of the COVID-19 Pandemic, the new Toll Collection System, Diversity, Equity & Inclusion, highlights from the recent employee survey along with the traffic and revenue report and financial results for the first nine months of the year. We wrapped the meeting up with a question & answer session. Based on feedback from team members we will have more meetings like this, which, thanks to technology, is a great way for us to communicate with all team members across 241 miles.

Mr. Chairman, that concludes my report, and I will be happy to answer any questions.

Chairman: Thank you for your report. Everyone needs to wear your mask and pay attention to the Governor's policies and procedures and, hopefully, this will all be behind us some time in the new year.

We will now move on to the report of the Director of Toll Operations, Laurie Davis.

Director of Toll Operations: Good Morning Mr. Chairman and Commission Members. I have one resolution for your consideration this morning.

The resolution for your consideration seeks authorization to award Bid Invitation No. 4375 to Electronic Data Magnetic, Inc ("EDM"), of High Point, North Carolina, to Furnish Cut and

Rolled Magnetic Toll Tickets in the total estimated annual amount of \$161, 039.00 with the option to renew for Two additional one-year periods.

On October 1, 2020, Electronic Data Magnetic, submitted the sole bid on this invitation, thus they are the lowest, responsible bidder.

EDM has furnished Toll tickets for the Commission since 2008 and has a proven history to be reliable, dependable, and professional in their delivery of a quality product.

Mr. Chairman with your permission may General Counsel please read the title of the resolution.

General Counsel: Resolution Approving the Selection of Electronic Data Magnetics, Inc. to Furnish Cut and Rolled Magnetic Toll Tickets in the Total Estimated Annual Amount of \$161,039.00, with the Option to Renew for Two Additional One-Year Periods.

Chairman: Any questions or comments?

Mrs. Barber: I was noticing that we only had one bidder. In our report, it listed a number of states that use this. Is this product so specialized that there are no other bidders who provide this product?

Director of Toll Operations: Mr. Chairman and Commission Member Barber, is all actuality, this has been our only bidder since 2017. They have been our provider since 2008. Back in 2017, we sent out an inquiry as to why we only received one bidder. At the time, we got several responses which indicated that the companies could not provide the volume of the materials and they also had concerns with the magnetic inking. In the industry, it seems like everybody is moving toward a bar code and not this magnetic mag stripe. I think that is the main reason why we only received one bidder.

Mrs. Barber: Thank you for that information.

Chairman: Any other questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Approving the Selection of Electronic Data Magnetics, Inc. to Furnish Cut and Rolled Magnetic Toll Tickets in the Total Estimated Annual Amount of \$161,039.00, with the Option to Renew for Two Additional One-Year Periods* was made by Chairman Hruby, seconded by Mr. Paradiso, and approved by all Commission Members present. Resolution No. 69-2020.

Chairman: The resolution passes unanimously. Thank you. We will now move on to the report of our Chief Engineer, Tony Yacobucci.

Chief Engineer: Good morning, Mr. Chairman and Commission Members. I have a four resolutions for your consideration this morning.

The first resolution for your consideration seeks the Commission's authorization to award Contract No. 43-20-03, for the rehabilitation and widening of the Mainline Bridges over Turner Road at Milepost 222.7 and Kirk Road at Milepost 222.8 in Mahoning County. On October 20, 2020, Procurement received six (6) bids in response to this Project. The apparent low bid was submitted by The Ruhlin Company, ("Ruhlin"), of Sharon Center, Ohio, in the amount of \$9,342,688.65, which is below the engineers estimate. This bid was evaluated by both the design consultant, ms consultants of Columbus, Ohio as well as Commission staff and was found to contain no errors or anomalies. Ruhlin has satisfactorily performed projects of similar scope for the Commission in the past and based on previous years' work volume and work presently under contract, it appears Ruhlin has sufficient capacity to perform this project. In addition, Ruhlin has committed to exceed the 11% SBE goal as set by the Office of Equity and Inclusion. This resolution also contains provisions to assign ms consultants, of Columbus, Ohio, to perform construction administration and inspection services, and ECS Midwest, LLC, of Brooklyn Heights, Ohio, to perform material testing services. With your permission, may the General Counsel please read the title of the resolution.

General Counsel: Resolution Approving the Selection of The Ruhlin Company for Project No. 43-20-03 for the Total Amount of \$9,342,688.65 and Approving ms consultants, inc. and ECS Midwest, LLC to Perform Professional Services on the Project.

Chairman: Any questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Approving the Selection of The Ruhlin Company for Project No. 43-20-03 for the Total Amount of \$9,342,688.65 and Approving ms consultants, inc. and ECS Midwest, LLC to Perform Professional Services on the Project* was made by Mr. Pakush, seconded by Mrs. Barber, and approved by all Commission Members present. Resolution No. 70-2020.

Chairman: The resolution passes unanimously. Please continue, Tony.

Chief Engineer: The next resolution for your consideration seeks the Commission's authorization to award Contract Nos. 53-20-02 and 53-20-03. This represents a contract to perform renovations to the Middle Ridge and Vermilion Valley Service Plazas at Milepost 139.5 in Lorain County, Ohio. On October 29, 2020, Procurement received five (5) bids in response to this Project. The apparent low bid was submitted by Dunlop and Johnston, Inc. ("Dunlop and Johnston"), of Valley City, Ohio, in the amount of \$2,716,318.00, which is below the engineer's estimate. This bid was evaluated by both the design consultant, GPD Group, of Cleveland, Ohio, as well as Commission staff and did not appear to contain any errors or anomalies. Based on a review of Dunlop and Johnston's Financial Statement and Experience Questionnaire, it appears they have the capacity to perform this work. Dunlop and Johnston has not performed any projects for the Commission in the past, therefore additional due diligence was performed. Engineering staff contacted owners for whom Dunlop and Johnston had previously performed work, and all reported satisfactory performance. In addition, the Office of Equity and Inclusion determined that Dunlop and Johnston has made a good faith effort by committing to a 17.8% SBE participation. Therefore, it is recommended that the Commission award Contract Nos. 53-20-02 and 53-20-03 to Dunlop and Johnston, Inc., of Valley City, Ohio, in the amount of \$2,716,318.00. This resolution also

contains provisions to assign GPD Group, of Cleveland, Ohio, to perform construction administration and inspection services, and to assign Geo-Sci, Inc., of Berea, Ohio, to perform material testing services. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Approving the Selection of Dunlop & Johnston, Inc. for Project Nos. 53-20-02 and 53-20-03 for the Total Amount of \$2,716,318.00 and Approving GPD Group and Geo-Sci, Inc. to Perform Professional Services on the Project.

Chairman: Any questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Approving the Selection of Dunlop & Johnston, Inc. for Project Nos. 53-20-02 and 53-20-03 for the Total Amount of \$2,716,318.00 and Approving GPD Group and Geo-Sci, Inc. to Perform Professional Services on the Project* was made by Mr. Coviello, seconded by Vice Chairman Paradiso, and approved by all Commission Members present. Resolution No. 71-2020.

Chairman: The resolution passes unanimously. Please continue, Tony.

Chief Engineer: The third resolution for your consideration seeks the Commission's authorization for the purchase of corrosion-inhibiting, liquid de-icing/anti-icing material under the Ohio Department of Transportation's ("ODOT's") Cooperative Purchasing Program Contract Number 124-21. This would be used at all of our maintenance sections during the 2020/2021 snow and ice season for pre-treating bridge decks and pre-wetting the road salt. The liquid de-icing/anti-icing material to be purchased is Meltdown Apex-C from EnviroTech Services, LLC, of Greeley, Colorado. Based on an estimated usage of 308,000 gallons, the anticipated expenditures for the product would be \$375,000.00. Since the expenditures will exceed \$150,000.00, and, therefore, in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission authorization is required. Therefore, it is recommended that the Commission approve the purchase of Meltdown Apex-C through ODOT's Cooperative Purchasing Program Agreement with EnviroTech Services, Inc., of Greeley, Colorado, in the amount of \$375,000.00. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00.

Chairman: Who did we use last year, Tony?

Chief Engineer: Mr. Chairman and Commission Members, we used AquaSalina and have actually used them for the last couple of years.

Chairman: That is what I thought. They did not bid this time, did they?

Chief Engineer: Mr. Chairman and Commission Members, we are purchasing this from the ODOT Cooperative Purchasing Program, which there is a price on there for AquaSalina,

but due to the issues and complaints that ODOT and the Commission are having with regard to the potential health risks of AquaSalina we decided not to use it this year and let ODOT continue with their investigation and evaluation of AquaSalina.

Chairman: Thank you very much. Any other questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00* was made by Chairman Hruby, seconded by Ms. Johnson, and approved by all Commission Members present. Resolution No. 72-2020.

Chairman: The resolution passes unanimously. Please continue, Tony.

Chief Engineer: My fourth and final resolution for your consideration seeks the Commission's authorization to award Contract No. 4376 for the furnishing of defined quantities of various guardrail materials. On November 4, 2020, Procurement received three (3) bids to furnish this material to the Commission under this Bid Invitation. The apparent low bid was submitted by Firelands Supply Company, of Norwalk, Ohio, in the total amount of \$177,120.00, which was below the estimate for this Bid Invitation. Firelands Supply Company proposes to furnish the guardrail materials and services in accordance with the Specifications. Additionally, Firelands Supply has furnished similar material to the Commission in the past and has performed satisfactorily. Therefore, I am recommending that an award be made to Firelands Supply Company, of Norwalk, Ohio, in the amount of \$177,120.00. With your permission, may the General Counsel please read the title of the resolution?

General Counsel: Resolution Approving the Selection of Firelands Supply Company to Furnish Guardrail Materials for the Total Amount of \$177,120.00.

Chairman: Any questions or comments? Hearing none, please call the roll.

MOTION: A motion to adopt *Resolution Approving the Selection of Firelands Supply Company to Furnish Guardrail Materials for the Total Amount of \$177,120.00* was made by Mr. Pakush, seconded by Mr. Coviello, and approved by all Commission Members present. Resolution No. 73-2020.

Chairman: Thank you, Tony. Anything further?

Chief Engineer: Mr. Chairman, I just want to add that the 65th Annual Consulting Engineer Inspection Report for 2020 was included with your packets. There are no significant issues that were identified by our consulting engineer, AECOM, who does this evaluation every year for us in accordance with the Master Trust Agreement and I just wanted to note that report was included in your packets for your review.

Chairman: Thank you. Any other questions or comments? If not, we will move on to the report of the CFO/Comptroller/DED, Martin Seekely.

CFO/Comptroller/DED: Thank you, Mr. Chairman. I have a brief update on our traffic and revenue for the month of October this morning.

This first chart shows the monthly passenger car miles traveled on the Ohio Turnpike over the past two years. Passenger car vehicle miles traveled continued to be impacted by the effect of COVID-19 and as a result were down 15.6% in October from last year.

Commercial traffic continued to improve and was up 5.0% in October. There was one less weekday in October this year than there was last year.

The decrease in passenger car traffic combined with the toll rate increase caused passenger car toll revenue to decrease 13.8% in October from the same month last year.

The increase in commercial traffic combined with the toll rate increase caused commercial vehicle toll revenues to increase 7.8% in October.

This chart shows the weekly percentage change in total toll revenue from the corresponding week of last year. You can see that toll revenue week ended April 18th was down 38.1% from last year. Since then, the decline from last year has fairly steadily lessened.

More recently, toll revenues were up 2.0% week ending October 24th, up 1.8% week ending October 31st, and up 0.3% week ending November 7th.

Last week, which is not on the chart, toll revenues were up 3.1% from last year.

This chart shows year-to-date toll revenues through the month of October during each year over the past decade.

Year-to-date total toll revenues were \$25.2 million or 9.7% below the amount from last year.

If you subtract February 29th from this year's total, total toll revenues are down \$25.8 million or 9.9% from last year.

That completes my report on traffic and revenue.

I have one other item to report on this morning. In October, the Commission received \$3,111,000.00 in Federal Coronavirus Relief Funds that reimburses the Commission for COVID-19 related costs incurred from March through July of this year. These funds were made available to the Commission through the Ohio Office of Budget and Management. The funds reimburse the Commission for Administrative leave paid during the Stay at Home order, Family First Act leave, unemployment compensation cost, fumigation costs, personal protective equipment, costs to enable employees to work from home, and other COVID related costs.

We will apply for reimbursement of any additional COVID related costs for the remainder of the year, as allowed by the Ohio Office of Budget and Management.

That completes my report Mr. Chairman.

Chairman: Thank you, Marty. We will move on to the report of the General Counsel, Jennifer Stueber.

General Counsel: No report, Mr. Chairman.

Chairman: Thank you, Jennifer. We will move on to the report of the Ohio State Highway Patrol, Staff Lieutenant, William Haymaker.

Staff Lieutenant Haymaker: At approximately 8:27 a.m. on October 22, 2020, the Milan Post was dispatched to a possible suicidal male stopped on the Ohio Turnpike near MP 133 westbound. The call had come from Westlake P.D. Their dispatch advised that their officers had been in a pursuit with the subject that morning, and that they were pinging his cell phone, which gave us the location. OSHP was told by Westlake P.D. that the driver had mental issues, and was threatening suicide by cop. He also had a passenger, who was telling the driver to flee from the police. Trooper Lopez, Trooper Williams, Trooper Hann, and Sergeant Dylag responded to the scene. A squad was requested and was en route. Westlake P.D. already had their SWAT team responding, and requested permission to enter the Turnpike. Troopers Lopez and Williams arrived first. They observed the suspect vehicle off the right side of the road, stuck in the mud at MP 132.7. Due to the compassion and willingness to communicate with both the driver and passenger of the vehicle, they were able to walk away from this dangerous incident without any injuries. The driver was secured and then transported by Life Care EMS to St. John West Shore Hospital in Westlake at the request of Westlake P.D.

On October 10, 2020, Trooper Ross, of the Swanton Post, attempted to stop a vehicle that was traveling above the posted speed limit on the Ohio Turnpike. The suspect's speed was checked at 94 mph. When Trooper Ross activated his overhead emergency lights, the vehicle fled and a pursuit ensued. During the pursuit, the suspect committed several violations including passing on the right, traveling at high rates of speed (also in a construction zone), and running a red light. The suspect eventually exited the Turnpike and fled on foot. He was located a block away and taken into custody and charged with speed, OVI, driving under suspension, possession of drugs, drug paraphernalia and failure to comply.

That completes my report, Mr. Chairman.

Chairman: Thank you, Staff Lieutenant Haymaker. Please pass on our gratitude to the men and women of the Ohio State Highway Patrol. We hope that you stay safe and healthy.

Are there any other comments or questions? Hearing none, the next meeting of the Ohio Turnpike and Infrastructure Commission will be held on December 21, 2020 at 10:00 a.m., via Microsoft Teams. If there is no further business, I will accept a motion to adjourn the 679th Commission Meeting.

MOTION: A motion to adjourn the 679th Commission Meeting is made by Mr. Pakush, seconded by Mr. Coviello, and unanimously approved by all Commission Members present.

Time of adjournment: 10:35 a.m.

Attendees for Record Keeping Purposes:

Commission Members: Chairman Jerry Hruby, Vice Chairman, Timothy Paradiso, Commission Member Sandra Barber, Commission Member Guy Coviello, Commission Member Vickie Eaton Johnson, Commission Member Dr. Jack Marchbanks, Office of Budget and Management Representative James Kennedy, Senator Rob McColley, and Representative Dave Greenspan.

Other Attendees: Andrew Tate, Conduent; Hamid Homae, KS Associates; Edward Brisbin, TransCore; Bryan Cope, Allied Machine; Vickie Wildeman, DLZ.; Michael Avellano, Woolpert; Nathan Podoll, Stantec; Kevin Westover, Huntington; Robert Horr, Atkins Global; Jason Watson, Mannik Smith; Maureen Schildwachter, Huntington; Robert Horr, Atkins Global; Jon Lorincz, AECOM; Edward Adamczyk, Arcadis-US; Bethany Pugh, PFM; Staff Lieutenant William Haymaker, Ohio State Highway Patrol; Myron Pakush, Ohio Department of Transportation; Ferzan M. Ahmed, P.E., Executive Director, Ohio Turnpike; Jennifer Stueber, Ohio Turnpike; Anthony Yacobucci, Ohio Turnpike; Marty Seekely, Ohio Turnpike; Laurie Davis, Ohio Turnpike; Michelle Marquard, Ohio Turnpike; Jennifer Diaz, Ohio Turnpike; David Miller, Ohio Turnpike; Chris Matta, Ohio Turnpike; Heather Veljkovic, Ohio Turnpike; Aimee Lane, Ohio Turnpike; Matt Cole, Ohio Turnpike; Chriss Pogorelc, Ohio Turnpike; Diana Anthony, Ohio Turnpike; Andrew Herberger, Ohio Turnpike; Andrew Cooksey, Ohio Turnpike; Aaron Siebenaler, Ohio Turnpike; Debby Sideris, Ohio Turnpike; Stacey Verespe, Ohio Turnpike; Chad Armstrong, Ohio Turnpike; Brian Kelley, Ohio Turnpike; Brian Newbacher, Ohio Turnpike; and Adam Greenslade, Ohio Turnpike.

EXHIBITS

1. Resolution No. 69-2020 – Resolution Approving the Selection of Electronic Data Magnetics, Inc. to Furnish Cut and Rolled Magnetic Toll Tickets in the Total Estimated Annual Amount of \$161,039.00, with the Option to Renew for Two Additional One-Year Periods;
2. Resolution No. 70-2020 – Resolution Approving the Selection of The Ruhlin Company for Project No. 43-20-03 for the Total Amount of \$9,342,688.65 and Approving ms consultants, inc. and ECS Midwest, LLC to Perform Professional Services on the Project;
3. Resolution No. 71-2020 – Resolution Approving the Selection of Dunlop & Johnston, Inc. for Project Nos. 53-20-02 and 53-20-03 for the Total Amount of \$2,716,318.00 and Approving GPD Group and Geo-Sci, Inc. to Perform Professional Services on the Project;
4. Resolution No. 72-2020 – Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00; and
5. Resolution No. 73-2020 – Resolution Approving the Selection of Firelands Supply Company to Furnish Guardrail Materials for the Total Amount of \$177,120.00.

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Electronic Data Magnetics, Inc. to Furnish Cut and Rolled Magnetic Toll Tickets in the Total Estimated Annual Amount of \$161,039.00, with the Option to Renew for Two Additional One-Year Periods

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Director of Toll Operations recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the (“Commission”) advertised Invitation to Bid No. 4375 to furnish cut and rolled magnetic toll tickets for a one-year period with two possible, one-year renewal terms; and

WHEREAS, the Commission received one bid in response to the Invitation, and the Commission's Director of Toll Operations reviewed and analyzed the bid timely submitted and whose report concerning such analysis is before the Commission; and

WHEREAS, the Director of Toll Operations reports that Electronic Data Magnetics, Inc., of High Point, North Carolina, submitted the only bid to furnish the cut and rolled magnetic toll tickets in the annual amount of \$161,039.00, based on the estimated quantities to be ordered by the Commission as set forth in the Invitation; and

WHEREAS, the Director of Toll Operations recommends that the Commission award a contract to Electronic Data Magnetics as the lowest responsible and responsive bidder based on its proposal to deliver the materials in accordance with the Specifications for a price that is below the Commission's estimate and its history of satisfactorily supplying the Commission's requirements for toll tickets under prior agreements; and

WHEREAS, the Commission's Staff Attorney determined that the bids for Invitation No. 4375 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Electronic Data Magnetics for Invitation to Bid No. 4375 conforms to the requirements of Ohio Revised Code Sections 5537.07 and 9.312; and

WHEREAS, the Executive Director has reviewed the report of the Director of Toll Operations and concurs with the recommendation to award Electronic Data Magnetics the contract for Invitation to Bid No. 4375 as the lowest responsive and responsible bidder; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Bylaws because the amount of the bid received will require an expenditure that exceeds \$150,000.00 to furnish the cut and rolled magnetic toll tickets; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Electronic Data Magnetics to furnish cut and rolled magnetic toll tickets under Invitation to Bid No. 4375 for a period of one year in the total estimated annual amount of \$161,039.00 is approved as the lowest responsive and responsible bid received, and the Executive Director is authorized to execute a contract on the basis of said bid and to exercise the options to renew the contract for two additional one-year periods; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and

Revised Order for Business Guidance and Social Distancing, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Commission's Code of Bylaws to amend the contract to perform additional services that do not exceed the greater of the Executive Director's contracting authority or ten percent (10%) of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs.

(Resolution No. 69-2020 adopted November 16, 2020)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of The Ruhlin Company for Project No. 43-20-03 for the Total Amount of \$9,342,688.65 and Approving ms consultants, inc. and ECS Midwest, LLC to Perform Professional Services on the Project

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site

memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for bridge deck repair and rehabilitation work at the Ohio Turnpike over Turner Road (C.R. 103) at M.P. 222.7 and the Ohio Turnpike over Kirk Road (C.R. 146) at M.P. 222.8, in Mahoning County, Ohio (“Project No. 43-20-03”); and

WHEREAS, the Commission received six bids to perform the Contractor’s obligations on Project No. 43-20-03 and the report of the Commission’s Chief Engineer and Deputy Chief Engineer/Director of Field Operations concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that The Ruhlin Company (“Ruhlin”), of Sharon Center, Ohio, submitted the apparent low bid on Project No. 43-20-03 in the total bid amount of \$9,342,688.65, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Staff Attorney has determined that bids for the Project were solicited on the basis of the same terms and conditions and the same specifications, that selecting the bid of Ruhlin conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and Ruhlin submitted a performance bond with good and sufficient surety; and

WHEREAS, the Office of Equity and Inclusion Manager has found that Ruhlin has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 11% which meets the SBE participation goal of 11% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the bids received will require expenditures under Project No. 43-20-03 that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Ruhlin as the lowest responsive and responsible bidder for Project No. 43-20-03; and

WHEREAS, the Commission’s Executive Director concurs with the recommendation of the Chief Engineer and Deputy Chief Engineer/Director of Field Operations that the Commission approve the award of the Project to Ruhlin as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of The Ruhlin Company for Project No. 43-20-03 in the amount of \$9,342,688.65 is approved as the

lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely.

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer authorizing ms consultants, inc., of Columbus, Ohio, to perform all necessary Phase 2 construction services in accordance with the professional engineering services contract previously authorized for its services on the Project and assigning ECS Midwest, LLC, of Brooklyn Heights, Ohio, to perform all necessary materials testing and inspection services in accordance with the Miscellaneous Professional Services Agreement between the Ohio Turnpike and Infrastructure Commission and said firm; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

(Resolution No. 70-2020 adopted November 16, 2020)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Dunlop & Johnston, Inc. for Project Nos. 53-20-02 and 53-20-03 for the Total Amount of \$2,716,318.00 and Approving GPD Group and Geo-Sci, Inc. to Perform Professional Services on the Project

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site

memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission published notice in accordance with law advertising its invitation to bid upon a contract for Middle Ridge and Vermilion Valley Service Plaza Renovations at Milepost 139.5 in Lorain County, Ohio (collectively “Project Nos. 53-20-02/03”); and

WHEREAS, the Commission received five bids to perform the Contractor’s obligations on Project Nos. 53-20-02/03 and the report of the Commission’s Chief Engineer and Deputy Chief Engineer/Director of Field Operations concerning the review and analysis of the bids is before the Commission; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations report that Dunlop & Johnston, Inc. (“Dunlop & Johnston”), of Valley City, Ohio, submitted the apparent low bid on Project Nos. 53-20-02/03 in the total bid amount of \$2,716,318.00, which they recommend the Commission accept and approve authorization for the Executive Director to award; and

WHEREAS, the Staff Attorney has determined that bids for the Project were solicited on the basis of the same terms and conditions and the same specifications, that selecting the bid of Dunlop & Johnston conforms to the requirements of Ohio Revised Code Sections 153.54, 5537.07 and 9.312, and Dunlop & Johnston submitted a performance bond with good and sufficient surety; and

WHEREAS, the Office of Equity and Inclusion Manager has found that Dunlop & Johnston has made a good faith effort to attain the participation of small or otherwise disadvantaged businesses on the Project and has made a commitment of 17.78% which exceeds the SBE participation goal of 3% for the Project; and

WHEREAS, Commission action is necessary to approve the Contract in accordance with Article V, Section 1.00 of the Commission’s Bylaws because the amount of the bids received will require expenditures under Project Nos. 53-20-02/03 that will exceed \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend the Commission select Dunlop & Johnston as the lowest responsive and responsible bidder for Project Nos. 53-20-02/03; and

WHEREAS, the Commission’s Executive Director concurs with the recommendation of the Chief Engineer and Deputy Chief Engineer/Director of Field Operations that the Commission approve the award of the Project to Dunlop & Johnston as the lowest responsive and responsible bidder; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Dunlop & Johnston, Inc. for Project Nos. 53-20-02/03 in the amount of \$2,716,318.00 is approved as the lowest responsive and responsible bid received and the Executive Director is authorized to execute a contract based on said bid; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Commission approves the Executive Director and the Chief Engineer authorizing GPD Group of Cleveland, Ohio to perform all necessary construction administration and inspection services in accordance with the contract between the Commission and said firm for its services on this Project and assigning Geo-Sci, Inc. of Berea, Ohio to perform all necessary materials testing services on the Project in accordance with the Miscellaneous Professional Services Agreement between the Ohio Turnpike and Infrastructure Commission and said firm; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Project or increase its costs.

(Resolution No. 71-2020 adopted November 16, 2020)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Authorizing the Purchase of Meltdown Apex-C from EnviroTech Services, Inc. Under the ODOT Cooperative Purchasing Program in the Total Estimated Amount of \$375,000.00

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated

and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission is authorized to participate in contracts awarded by the Ohio Department of Transportation ("ODOT") under its Cooperative Purchasing Program for the purchase of machinery, materials, supplies, or other articles in accordance with Section 5513.01(B) of the Ohio Revised Code; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have determined that the purchase of liquid deicer is necessary for snow and ice removal during the 2020-2021 winter season; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have recommended that Meltdown Apex-C provides excellent melting performance at lower temperatures and have further recommended purchasing the liquid deicer for delivery to all maintenance sections in loads of 4,000 to 4,300 gallons per load at the following locations and unit prices:

Kunkle, Swanton, T.P. 59, Elmore, River Road - at \$1.15 per gallon;

Castalia, Humm Road, Amherst - at \$1.19 per gallon;

Boston, T.P. 187, Hiram, T.P. 218, Canfield - at \$1.25 per gallon

T.P. 161 - at \$1.22 per gallon; and

WHEREAS, Meltdown Apex-C is available through the ODOT Cooperative Purchasing Program, and the Chief Engineer and Deputy Chief Engineer/Director of Field Operations have determined that the lowest cost to obtain the liquid deicer is under ODOT Contract Number 124-21 from EnviroTech Services, Inc., of Greeley, Colorado, as described in the pricing dated September 14, 2020 and listed above, for the total estimated cost of \$375,000.00; and

WHEREAS, Commission action is necessary under Article V, Section 1.00 of the Commission's Code of Bylaws because the expenditure required to purchase Meltdown Apex-C exceeds \$150,000.00; and

WHEREAS, the Chief Engineer and Deputy Chief Engineer/Director of Field Operations recommend that the Commission purchase the Meltdown Apex-C from EnviroTech Services, Inc. under the ODOT Cooperative Purchasing Program, which recommendation the Executive Director has reviewed and approved; and

WHEREAS, the Commission has duly considered such recommendation and approval.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the purchase of Meltdown Apex-C from EnviroTech Services, Inc., through the ODOT Cooperative Purchasing Program under ODOT Contract Number 124-21, as described in the pricing dated September 14, 2020, in the total estimated amount of \$375,000, is approved and the Legal Department is authorized and directed to issue a purchase order for this purpose; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said Contract that does not exceed ten percent of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the work or increase its costs.

(Resolution No. 72-2020 adopted November 16, 2020)

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Approving the Selection of Firelands Supply Company to Furnish Guardrail Materials for the Total Amount of \$177,120.00

WHEREAS, on March 9, 2020, Governor Mike DeWine issued Executive Order 2020-01D declaring a State of Emergency for the entire State of Ohio in response to the COVID-19 pandemic; and

WHEREAS, on March 22, 2020, Amy Acton, MD, MPH, the former Director of Health, issued a “Stay at Home Order” which expired on May 1, 2020, requiring individuals to stay home unless engaged in Essential Activities, Essential Governmental Functions or to operate Essential Businesses and Operations; and

WHEREAS, under the Stay at Home Order, the Ohio Turnpike and Infrastructure Commission (“Commission”) continued operations as Essential Infrastructure and Essential Governmental Functions and further determined that its contractors and service providers must continue to perform services and supply goods and materials to the Commission as Essential Infrastructure, Critical Trades, Supplies for Essential Business and Operators and/or Essential Critical Infrastructure Workers; and

WHEREAS, on April 30, 2020, former Director Acton issued the “Director’s Stay Safe Ohio Order,” which was in effect through May 29, 2020 and subsequently revised by former Director Acton’s “Updated and Revised Order for Business Guidance and Social Distancing,” dated May 29, 2020, and extended by current Interim Director of Health, Lance D. Himes, until rescinded or modified by Interim Director Himes or the State of Emergency declared by the Governor no longer exists, which permits governmental entities and other businesses to continue operations subject to Sector Specific COVID-19 Information and Checklist for Businesses/Employees requiring measures such as, ensuring 6 feet between employees, daily symptom assessments of employees, wearing face coverings, regular handwashing, disinfecting work stations and common areas, changing shift patterns, working from home when possible, among others; and

WHEREAS, the Chief Engineer has issued a memorandum to the Commission’s contractors regarding required work site measures that comply with the Updated and Revised Order for Business Guidance and Social Distancing and this memorandum is available on the Commission’s website at <https://www.ohioturnpike.org/business/doing-business-with-us/construction-projects>; and

WHEREAS, the Chief Engineer recommends that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission’s work site

memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

WHEREAS, the Commission advertised Invitation to Bid No. 4376 to furnish defined quantities of various guardrail materials; and

WHEREAS, the Commission received three bids in response to the Invitation, and the Commission's Deputy Chief Engineer/Director of Field Operations reviewed and analyzed the bids timely submitted and whose report concerning such analysis is before the Commission; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations reports that the lowest responsive and responsible bid to furnish the guardrail materials was submitted by Firelands Supply Company, of Norwalk, Ohio, in the amount of \$177,120.00, based on the estimated quantities to be ordered by the Commission as set forth in the Invitation; and

WHEREAS, the Deputy Chief Engineer/Director of Field Operations recommends that the Commission award a contract to Firelands Supply Company as the lowest responsible and responsive bidder based on its offer to deliver the materials in accordance with the Specifications and its history of satisfactorily supplying the Commission's requirements for guardrail materials under prior agreements; and

WHEREAS, the Commission's Staff Attorney determined that the bids for Invitation No. 4376 were solicited on the basis of the same terms and conditions and the same specifications, and that the bid from Firelands Supply Company for Invitation to Bid No. 4376 conforms to the requirements of Ohio Revised Code Section 5537.07 and 9.312; and

WHEREAS, the Executive Director has reviewed the report of the Deputy Chief Engineer/Director of Field Operations and concurs with the recommendation to award the contract for Invitation to Bid No. 4376 to Firelands Supply Company as the lowest responsive and responsible bidder; and

WHEREAS, Commission action is requested to approve the contract in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws because the amount of the bid received will require an expenditure that exceeds \$150,000.00 to furnish the guardrail materials; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED by the Ohio Turnpike and Infrastructure Commission that the bid of Firelands Supply Company to furnish guardrail materials under Invitation to Bid No. 4376 for the total amount of \$177,120.00 is approved as the lowest responsive and responsible bid received, and the Executive Director is authorized to execute a contract on the basis of said bid; and

FURTHER RESOLVED that the Commission finds and determines that the contract approved pursuant to this Resolution is necessary for the Commission to continue its operations and complies with the Updated and Revised Order for Business Guidance and Social Distancing and that the work to be performed under the contract shall comply with the Sector Specific COVID-19 Information and Checklist for Businesses/Employees set forth in the Updated and Revised Order for Business Guidance and Social Distancing and the Commission's work site memorandum, as may be amended from time to time, unless or until such order is lifted entirely; and

FURTHER RESOLVED that the Executive Director has the authority to approve such extra work or change orders under said contracts that does not exceed the greater of the Executive Director's contracting authority or ten percent of the approved contract amount, and authorize such extra work or change orders under said contract as a result of an increase in necessary quantities, newly mandated requirements that did not exist at the time of original contract awards, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the project or increase its costs.

(Resolution No. 73-2020 adopted November 16, 2020)