



Record of Meeting | April 22, 2021

The Illinois State Toll Highway Authority's ("Tollway") Board of Directors met in regular session on Thursday, April 22, 2021. The meeting was held pursuant to the By-Laws of the Tollway upon call and notice of the meeting executed by Chairman Willard S. Evans, Jr. and posted in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/1, *et seq.*

Due to necessary precautions relating to COVID-19, in accordance with the Gubernatorial Disaster Proclamation and current conditions, and consistent with the Open Meetings Act, it was determined by Chairman Willard S. Evans, Jr. that an in-person meeting of the body was neither practical nor prudent. In compliance with all conditions of Section 7(e) of the Open Meetings Act, 5 ILCS 120/7(e), the Board of Directors meeting was conducted by audio conference. A telephone access number was provided for members of the public to monitor and/or participate in the meeting.

[Bolded entries indicate issues which may require follow-up to present or report to the Board.]

Call to Order / Roll Call

Chairman Evans called the meeting to order at approximately 10:31 a.m. He then asked the Board Secretary to call the roll, those Directors present and absent being as follows:

Board Members Present:
Chairman Willard S. Evans, Jr.
Director James Connolly
Director Stephen Davis
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director Gary Perinar

Board Members Not Present:
Governor JB Pritzker <i>[ex officio]</i>
Acting Secretary Omer Osman <i>[ex officio]</i>
Director James Sweeney

The Board Secretary declared a quorum present.

Chairman Evans noted the observance of Earth Day and stated that the Tollway maintains its ongoing commitment to mitigate the impact of its roadways on the environment. He further stated



that with the contracts being awarded at today's meeting, it is anticipated the Tollway will surpass its original commitment of planting 58,000 trees. Chairman Evans thanked the members of the agency's planning and environmental team who work to ensure a positive impact on the communities and environment along the Tollway system.

Chairman Evans next stated that in partnership with IDOT and other regional transportation agencies, the Tollway will be marking "Work Zone Safety Awareness Week." He introduced Captain Jason Bradley, Illinois State Police District 15, to provide a safety message on work zone safety.

Safety Message

Captain Bradley stated that April 26 through April 30 is national "Work Zone Safety Awareness Week." He reviewed the penalties for speeding, which include increased fines in school and work zones. He emphasized that speed continues to be a factor in the majority of personal injury and fatality crashes and called on motorists to observe work zone speeds and eliminate distractions when approaching and driving through work zones.

Chairman Evans thanked Captain Bradley for the Safety Message. He next stated that the agenda includes the Tollway Inspector General's ("IG") semi-annual activity report, noting that the IG can be contacted anonymously via a secure online form on the Tollway's website as well as through the OIG Hotline at 866-786-5544.

Public Comment

Chairman Evans opened the floor for public comment. No public comment was offered.

Chairman's Items

Item 1: Approval of the Minutes of the Regular Board of Directors Meeting held March 25, 2021.

Chairman Evans entertained a motion to approve **Chairman's Item 1**, the Minutes of the regular Board of Directors meeting held on March 25, 2021, as presented. Director Gallagher made a motion to approve the Minutes, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)



The motion PASSED.

Item 2: Approval of the Minutes of the Executive Session of the Regular Board of Directors meeting held March 25, 2021.

Chairman Evans stated that without objection, action on Chairman's Item 2, concerning the minutes of the closed meeting, will be deferred until after consideration in Executive Session.

Item 3: Committee Reports

Chairman Evans dispensed with committee reports, noting that all Directors were present for the committee meetings.

Item 4: Additional items

Having no further items, Chairman Evans turned the floor over to Executive Director José Alvarez.

Executive Director's Items

Executive Director Alvarez highlighted that this month, the Tollway will be awarding the final contract to complete the interchange between I-57 and I-294, a significant accomplishment and investment in Chicago's southland that is being delivered years ahead of schedule.

Mr. Alvarez noted that it is "Telecommunicators Week" and recognized the work of Tollway dispatch and traffic operations teams who work around the clock to serve customers on the Tollway system. He additionally recognized Tollway H.E.L.P. truck drivers and Customer Service representatives for their efforts to hand out flower seeds in honor of Earth Day.

Mr. Alvarez highlighted the recent upgrade of Tollway finances by Moody's and noted that the Tollway continues to have one of the highest rated systems in the nation.

Executive Director Alvarez next introduced T.J. Hengesbach, Tollway Inspector General, to present the Office of Inspector General's Summary Activity Report for the period of September 1, 2020 to February 28, 2021. [See attached report.](#)

Upon conclusion of the presentation, and having no further items, Executive Director Alvarez returned the floor to Chairman Evans.

Items for Consideration

Finance



Minutes of the
Regular Board of Directors Meeting

Item 1: Award of Contract 21-0081 for the purchase of a Liability Insurance Program through Mesiraw Insurance Services, Inc. for a one-year term (Order Against CMS Master Contract).

Chairman Evans stated that without objection, consideration of Finance Item 1, which was deferred at committee, will be deferred to a future meeting.

Facilities & Fleet Operations

Item 1: Award of Contract 19-0150R to Stenstrom Petroleum Services Group for the purchase of Underground Fuel Storage Tank Monitoring System Services in an amount not to exceed \$474,700.00 for an initial three-year term and a possible two-year renewal term in an amount not to exceed \$316,466.67 (Tollway Invitation for Bid).

Chairman Evans entertained a motion to approve **Facilities and Fleet Operations Item 1**, as presented. Director Gallagher made a motion to approve this item, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Engineering

Item 1: Award of Contract RR-21-4563 to Robe, Inc. for Plaza Modifications on the Veterans Memorial Tollway (I-355) from Mile Post 1.90 to Mile Post 4.42 (Plaza 99 Spring Creek) in the amount of \$568,483.46.

Item 2: Award of Contract RR-21-4573 to Robe, Inc. for Plaza Modifications on the Jane Addams Memorial Tollway (I-90) from Mile Post 53.6 to Mile Post 79.5 in the amount of \$2,016,064.40.

Item 3: Award of Contract RR-21-4574 to Western Remac, Inc. for Plaza Improvements on the Tri-State Tollway (I-294) from Mile Post 38.25 (Plaza 29 Touhy Avenue) to Mile Post 42.0 (Plaza 33 Irving Park Road) in the amount of \$1,104,175.60.

Item 4: Award of Contract RR-21-4562 to Robe, Inc. for Plaza Modifications on the Reagan Memorial Tollway (I-88) from Mile Post 116.5 to Mile Post 119.0 (Plaza 61 Aurora), from Mile Post



85.0 to Mile Post 86.25 (Plaza 66 DeKalb) and from Mile Post 55.25 to Mile Post 57.75 (Plaza 69 Dixon) in the amount of \$1,778,909.58.

Item 5: Award of Contract RR-20-4551 to City Escape Garden & Design, LLC for Landscape Plantings on the Tri-State Tollway (I-294) from Mile Post 38.0 (O'Hare Oasis) to Mile Post 39.3 (UPRR) in the amount of \$233,274.59.

Item 6: Award of Contract RR-20-4553 to Cardinal State, LLC for Landscape Planting Improvements on the Reagan Memorial Tollway (I-88) from Mile Post 117.2 (Fox River) to Mile Post 140.0 (I-294) in the amount of \$792,133.74.

Item 7: Award of Contract RR-20-4554 to Martam Construction, Inc. for Box Culvert Construction on the Tri-State Tollway (I-294) from Mile Post 27.8 (Ogden Avenue) to Mile Post 29.5 (Cermak Road) in the amount of \$15,896,363.61.

Item 8: Award of Contract RR-20-4555 to Lorig Construction Company for Bridge Replacement on the Tri-State Tollway (I-294) Plainfield Road over I-294 and Flag Creek from Mile Post 24.3 to Mile Post 24.6 in the amount of \$21,283,514.09.

Item 9: Award of Contract I-19-4475 to Dunnet Bay Construction Company for I-57 Widening over CSX and B & O CT Railroad Bridges and I-57 for Restriping in the amount of \$20,793,926.70.

Item 10: Extra Work Order on RR-16-4258 to William Charles Construction Company, LLC for Maintenance Facility Building Construction at Maintenance Facility M-7 (Rockford) on the Jane Addams Memorial Tollway (I-90) at Mile Post 15.2 (Business US 20) in the amount of \$287,000.00 from \$28,212,692.92 to \$28,499,692.92.

Item 11: Award of Contract 20-0172 to John Thomas, Inc. for the purchase of Crash Attenuator Parts in an amount not to exceed \$1,000,000.00 (Order Against CMS Master Contract).

Item 12: Authorization to enter into a "Public Highway Overpass Agreement," "Real Estate Swap Agreement" and "Flyover Easement Agreement" with the Union Pacific Railroad for work associated with the Central Tri-State Project (I-294).

Chairman Evans stated that Director Davis has indicated in advance his wish to recuse himself on Engineering Items 1, 2, 3, 7, 9 and 10. Chairman Evans requested that these items be taken first as a group.

Chairman Evans entertained a motion to consolidate for consideration and action Engineering Items 1, 2, 3, 7, 9 and 10. Director Gallagher made a motion to consolidate these items, seconded



by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (7)

Nays: (0)

Recusals: Director Davis (1)

The motion PASSED.

The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Engineering Items 1, 2, 3, 7, 9 and 10**. Director Gallagher made a motion to approve these items, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (7)

Nays: (0)

Recusals: Director Davis (1)

The motion PASSED.

Chairman Evans next entertained a motion to consolidate for consideration and action Engineering Items 4, 5, 6, 8, 11 and 12. Director Gallagher made a motion to consolidate these items, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Engineering Items 4, 5, 6, 8, 11 and 12**. Director Gallagher made a motion to approve these items, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:



Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Legal

Item 1: Approval of a multi-party Intergovernmental Agreement with the Illinois Department of Transportation, Cook County, DuPage County, the Village of Franklin Park and the City of Northlake for work associated with the Elgin O'Hare Western Access Project and the Central Tri-State Project (I-294). Cost to the Tollway: \$0.

Item 2: Authorization to Enter a Litigation Settlement Agreement, Property Owner – Bailey Development, LLC, Tollway Parcel No. WA-1D-12-039. Cost to the Tollway: As discussed in Executive Session.

Item 3: Authorization to Enter into Mediation. Cost to the Tollway: As discussed in Executive Session.

Item 4: Authorization to Enter a Worker's Compensation Settlement – John Bocskovits. Cost to the Tollway: As discussed in Executive Session.

Chairman Evans stated that without objection, action on Legal Items 2 thru 4 will be deferred until after consideration in Executive Session.

Chairman Evans entertained a motion to approve **Legal Item 1**, as presented. Director Gallagher made a motion to approve this item, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Operations

Item 1: Authorization of enhancements to the I-PASS Assist Program.



Chairman Evans entertained a motion to approve **Operations Item 1**, as presented. Director Gallagher made a motion to approve this item, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Internal Audit

Item 1: Award of Contract 21-0060 to Baker Tilly Virchow Krause, LLP for the purchase of Internal Auditing Services for a five-year term in an amount not to exceed \$5,964,022.50 (Order Against CMS Master Contract).

Chairman Evans then entertained a motion to approve **Internal Audit Item 1**, as presented. Director Gallagher made a motion to approve this item, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Executive Session

Chairman Evans called for a motion to enter into Executive Session pursuant to exceptions provided in Sections 2(c)5, 11 and 21 of the Open Meetings Act, 5 ILCS 120/2(c)5, 11 and 21, to consider Tollway matters related to the purchase or lease of real property, pending or probable litigation and the minutes of closed meetings. Director Gallagher made a motion, pursuant to the sections specified, to enter Executive Session, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.



Return from Executive Session and Action (if any)

Board Members Present:
Chairman Willard S. Evans, Jr.
Director James Connolly
Director Stephen Davis
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director Gary Perinar

Board Members Not Present:
Governor JB Pritzker <i>[ex officio]</i>
Acting Secretary Omer Osman <i>[ex officio]</i>
Director James Sweeney

At approximately 11:34 p.m., the Board re-entered the public session of the Meeting.

Chairman's Item 2: Approval of the Minutes of the Executive Session of the Regular Board of Directors meeting held March 25, 2021.

Chairman Evans entertained a motion to approve **Chairman's Item 2**, the Minutes of the Executive Session of the Board of Directors meeting held on March 25, 2021. Director Gallagher made a motion to approve the Minutes, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Legal Item 2: Authorization to Enter a Litigation Settlement Agreement, Property Owner – Bailey Development, LLC, Tollway Parcel No. WA-1D-12-039. Cost to the Tollway: As discussed in Executive Session.

Legal Item 3: Authorization to Enter into Mediation. Cost to the Tollway: As discussed in Executive Session.

Legal Item 4: Authorization to Enter a Worker's Compensation Settlement – John Bocskovits. Cost to the Tollway: As discussed in Executive Session.



Chairman Evans next entertained a motion to consolidate for consideration and action Legal Items 2 thru 4. Director Gallagher made a motion to consolidate these items, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chairman Evans entertained a motion to approve **Legal Items 2 thru 4**. Director Gallagher made a motion to approve these items, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.

Adjournment

There being no further business before the Board, Chairman Evans entertained a motion to adjourn. Director Gallagher made a motion to adjourn, seconded by Director Gomez. Chairman Evans asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Gallagher, Director Gomez, Director Connolly, Director Davis, Director McConnaughay, Director Paddock, Director Perinar, Chairman Evans (8)

Nays: (0)

The motion PASSED.



The Meeting adjourned at approximately 11:41 a.m.

A handwritten signature in cursive script that reads 'Christi Regnery'.

Minutes taken by: _____

Christi Regnery
Board Secretary
Illinois State Toll Highway Authority



Illinois State Toll Highway Authority

Office of the Inspector General

SUMMARY ACTIVITY REPORT

For the period September 1, 2020 through February 28, 2021

Theodor J. Hengesbach
Inspector General

Hotline: 866.786.5544
Fax: 630.795.7661
<https://www.illinoistollway.com/OIG>

- 2 new investigators
- Increase in Hotline calls (43) and online submissions (51)
- **REPORTS:**
 - IG-18-001 (p.4)
 - Vendor contract cancelled/disclosure review improved
 - IG-20-002 (p.5)
 - Improved management of small construction contracts
 - IG-20-003 (p.6)
 - Employee discharged/FMLA process improvements
- **ORIENTATION:** New Tollway Employees and Director



Illinois State Toll Highway Authority
Office of the Inspector General

SUMMARY ACTIVITY REPORT

For the period September 1, 2020 through February 28, 2021

Theodor J. Hengesbach
Inspector General


Hotline: 866.786.5544
Fax: 630.795.7661
<https://www.illinoistollway.com/OIG>



OFFICE OF THE INSPECTOR GENERAL
Illinois State Toll Highway Authority
Theodor J. Hengesbach – Inspector General

SUMMARY ACTIVITY REPORT

To: The Office of the Governor
The Board of Directors of the Illinois State Toll Highway Authority
The State of Illinois General Assembly

From: Theodor J. Hengesbach, Inspector General 

Date: March 31, 2021

Re: Office of the Inspector General Summary Activity Report for the Period Spanning
September 1, 2020 to February 28, 2021.

INTRODUCTION

We submit this report pursuant to Section 8.5 of the Toll Highway Act (the Act).¹ The Act created the Office of the Inspector General (OIG) to provide independent oversight of the Illinois Tollway. The Illinois Senate confirmed the appointment of Theodor J. Hengesbach on February 8, 2017. On August 31, 2020, Governor JB Pritzker re-appointed Hengesbach to a second five-year term.

MISSION/JURISDICTION

OIG's mission is to foster effectiveness and efficiency in Tollway administration and operations by promoting integrity and accountability of the Tollway board, Tollway employees, and Tollway contractors and vendors. In furtherance of its mission, OIG strives to detect, deter, and prevent fraud, waste, abuse, corruption, misconduct, and mismanagement.

OIG derives its authority and direction from the Illinois Toll Highway Act² and the Illinois Administrative Code.³

By statute, OIG's jurisdiction extends to Tollway officials, Tollway employees, and Tollway contractors and vendors.⁴ As a general rule, the OIG does not become involved in cases involving private disputes, labor-management issues, or litigation. Matters investigated by OIG may also fall within the jurisdiction of other agencies (e.g., federal, state, or local law enforcement, other

¹ 605 ILCS 10/8.5(m) provides: The Toll Highway Inspector General shall provide to the Governor, the Board of the Authority and the General Assembly a summary of reports and investigations made under this Section no later than March 31 and September 30 of each year. The summaries shall detail the final disposition of the Inspector General's recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries shall also include detailed, recommended administrative actions and matters for consideration by the Governor, the Board of the Authority, and the General Assembly.

² 605 ILCS 10/8.5

³ ILL. ADMIN. CODE title 2, sec. 3430 (2011).

⁴ See 605 ILCS 10/8.5(d).

inspectors general, etc.). In such cases, the Inspector General is authorized to refer matters or work jointly with these other agencies to investigate allegations of wrongdoing.

OIG conducts administrative and criminal investigations of alleged violations of law, rule or regulation, and misconduct or mismanagement. OIG also reviews Tollway policies and procedures, and employment and hiring files, and serves as liaison to law enforcement entities.⁵

STAFF

The OIG is currently staffed with a General Manager of Investigations, an Investigator II, an Investigator I, and an Executive Secretary. The Inspector General, General Manager of Investigations, and the Investigator II are certified by the National Association of Inspectors General and the Association of Certified Fraud Examiners. In addition, the Inspector General and the General Manager of Investigations continue as active members of the Board of Directors for the Illinois Chapter of the Association of Inspectors General. The Inspector General currently serves as Vice-President of that Board.

On April 1, 2021 the OIG will welcome a new Investigator II and an Investigator I who were selected following posting and interviews. There remains an open Deputy Inspector General position which we expect to be posted in the second quarter of 2021.

INTAKES

OIG receives complaints and reports of concerns and allegations of wrongdoing⁶ from the general public, Tollway officials and employees, vendors, bidders, and anonymous sources. These are screened and assessed to determine the most appropriate action, which can include opening a Preliminary Investigation (PI),⁷ an Investigation (IG), a Review (R), or an Investigative Assistance case (IA).⁸ OIG can also refer matters, as appropriate, to Tollway management, law enforcement or another appropriate entity, or decline to open a case.

Factors that impact this decision include: the reliability and accuracy of information based on OIG's knowledge of the subject matter; the nature of the conduct alleged and the ability to independently verify the allegations; the age of the conduct complained of; the likely impact on Tollway operations; and the availability of investigative resources.

Most often matters are opened as Preliminary Investigations as limited scope inquiries for 30-60 days to develop and evaluate available information to determine the most appropriate next action.

OIG also receives a number of complaints and calls relating to I-PASS concerns, or toll violations and fines that we refer to the Tollway Operations Customer Service section.

By law, the identity of any individual providing information or reporting possible or alleged misconduct to OIG may not be disclosed without consent of that individual or as otherwise

⁵ See 605 ILCS 10/8.5(f).

⁶ OIG can also self-initiate investigations and reviews.

⁷ A Preliminary Investigation is initiated to conduct limited-scope inquiries to determine the next appropriate action. Generally, these inquiries are open for 30 days, although one 30-day extension may be approved by the Inspector General.

⁸ Investigative Assistance matters include tracking of employee arrests and requests for information or subpoenas from law enforcement, regulatory agencies, or other Inspectors General.

required by law. Furthermore, state and federal Whistleblower laws prohibit retaliation against individuals who provide information to or cooperate with an OIG investigation.

As noted in the prior Semi-Annual Report, reports to the OIG decreased in mid-2020 as the COVID-19 pandemic took full effect. This trend was beginning to change by the end of that reporting period, and we have seen nearly a complete return to pre-COVID numbers of reports to our office as Tollway stakeholders and the public have adjusted to new workplace realities.

The Tollway OIG Hotline (866-786-5544) provides one of several means by which the OIG receives reports of wrongdoing. During this reporting period, there were 43 incoming calls, more than double the number received in the prior six months. A second source of information is the OIG online electronic form that allows individuals to provide information in a secure, confidential manner. This form can be accessed through the OIG webpage; it is encrypted upon submission and delivered directly to a secure OIG email account. During this reporting period, OIG received 51 online submissions, four times more than the number received in the prior six months.

From September 1, 2020 through February 28, 2021, OIG took action in 114 matters:

Preliminary Investigations	10 opened 10 closed 7 converted (4 Investigations, 2 Referred, 1 Review)
Investigative Assistance ⁹	1 opened 1 closed
Investigations	7 opened 4 closed
Reviews	1 opened 3 closed 1 converted to Investigation
Referrals	92 matters referred 3 to Law Enforcement
Declined	3 matters

As of February 28, 2021, the following matters were pending¹⁰:

Preliminary Investigations	3
Investigative Assistance	0
Investigations	7
Reviews	5

⁹ On October 1, 2017, responsibility for responding to law enforcement subpoena requests for Tollway records transitioned from OIG to the Legal Department.

¹⁰ These numbers include carry-over from previous reporting period.

REPORTS OF FINDINGS

Summary Reports of Investigation detailing sustained findings and/or recommendations for corrective action are submitted to the Board Chair, the Executive Director and appropriate management officials. Summary reports resulting in discipline of more than 3 days are publicly released in redacted form on the OIG website. OIG also issues Management Advisory Reports to the Board Chair, the Executive Director and appropriate management officials, which describe operational concerns observed by OIG in the course of its activities.

There were no recommended administrative actions or matters submitted for consideration to the Governor, the Board of the Authority, or the General Assembly during this period.

The following are summaries of OIG reports issued between September 1, 2020 and February 28, 2021.

OIG Investigations Resulting in Administrative Action

IG-18-001

The OIG issued a Summary Report of Investigation (SRI) following an investigation that established that a Tollway vendor submitted incomplete and or inaccurate financial statements and disclosures in responses to two RFPs seeking services to assist other businesses improve and become more adept at government contracting. In addition, after winning the contracts, the vendor failed to provide updated disclosures required of all Tollway vendors. Given that the vendor was contracted to provide guidance to vendors to help them become future Tollway vendors, it is even more important that it maintain and provide its own accurate financial statements and make appropriate disclosures. OIG recommended that the Tollway determine appropriate corrective action respecting the vendor's inaccurate and incomplete disclosures. OIG further recommended that the Tollway take steps to improve its review of financial statements and disclosures submitted by vendors and prospective vendors.

OIG also investigated a complaint that one of the vendor's subcontractors fraudulently overbilled for services it provided on the Tollway contract. This investigation established that the subcontractor had improperly billed and received payment for time that it did not pay its employees, and that the vendor submitted the subcontractor's invoices to the Tollway without conducting meaningful review despite invoicing the Tollway for preparing its invoice packages. Based on these findings, OIG recommended that the Tollway require the vendor to review the subcontractor's invoices, identify the extent of overbilling, and obtain reimbursement for the Tollway of any amounts improperly paid to the subcontractor or, in the alternative, return all amounts it billed the Tollway to review the subcontractor's invoice packages. OIG further recommended that the Tollway consider appropriate remedial action against the subcontractor.

RESPONSE

In its responses, the Tollway agreed with the findings and indicated that it had taken steps to address the deficiencies identified, including the termination of the vendor's contract. The Tollway highlighted that the new RFP for the Technical Assistance program includes corrective contract provisions respecting accountability and performance to address these findings. Further, the Diversity Department said that it was developing an automated tracking program that works along with Tollway Compliance Department's monitoring efforts.

Finally, the Tollway reported that it is reviewing documentation provided by the subcontractor and the vendor to determine the extent of the overbilling incurred by the Tollway, and the most appropriate remedial actions available.

IG-20-002

The OIG issued an SRI following an investigation into an allegation of possible fraud by a vendor who had been awarded a contract to provide a concrete pad and assemble a kennel for a District 15 Illinois State Police K9 Officer.

Our investigation identified multiple concerns related to this incident. First, the facts established reasonable cause to find that the Buyer assigned to this procurement failed to follow proper procedures by: a) not ensuring that the contract had the necessary Tollway signatures; b) authorizing the vendor to begin work without a signed contract; and, c) forwarding the initial invoice for approval without recognizing the additional extra-contractual charge. Based on the findings, the OIG recommended that the Tollway take corrective action including disciplinary action and additional training.

Second, the vendor failed to satisfy the terms of the contract and/or Purchase Order (PO) in several respects: a) by using a subcontractor to perform all of the work without providing their identity to the Tollway; b) by seeking extra payment of \$1100 for work performed outside the scope of the contract (which was only removed after the charge was challenged); and, c) by knowingly seeking full payment for work when the kennel had not been installed.

Based on the findings, the OIG recommended that the Tollway take corrective action against the Buyer and the vendor

This investigation also identified areas for further attention and the OIG recommended that the Tollway provide more oversight during the procurement process to ensure better management of small construction projects like this to ensure that the Tollway receives the benefit of the services sought.

RESPONSE

The Tollway indicated that as part of an unrelated personnel action, the Buyer's position had been eliminated as of January 15, 2021. Tollway records reflect the Buyer's status as Absent with Leave until February 15, 2021.

The Tollway indicated that it intends to take appropriate corrective action against the vendor, and has sought additional information from the OIG.

The Tollway agreed with the recommendation to provide more oversight on these types of contracts. Procurement reported that it will increase its oversight during the processing of small procurements and ensure that contracts are fully executed prior to staff issuing approved POs to vendors. In addition, Procurement said that it will implement a new procedure whereby management will hold the approval of the PO in both the SAP system and BidBuy system until the corresponding contract is fully executed.

IG-20-003

The OIG issued an SRI following an investigation that established reasonable cause to find that an Equipment Operator Laborer (EOL) violated Tollway outside employment and leave policies by submitting a false outside employment disclosure and by taking Family Medical Leave Act (FMLA) leave to call off from Tollway shifts and then work at a hospital on several days. The OIG recommended that the Tollway impose discipline as appropriate under the circumstances

Furthermore, this investigation identified areas for further attention by the Tollway and OIG recommended: Enhancing the outside employment disclosure process; Increasing collaboration among Tollway stakeholders regarding FMLA leave requests and use; and, Providing additional training for staff, especially frontline supervisors.

RESPONSE

The Tollway agreed with the OIG findings and initiated the termination process. OIG received notification that the EOL's employment had been terminated on February 17, 2021, and that the Union had filed a grievance. On March 2, 2021, OIG learned that the Union had withdrawn its grievance.

The Tollway reported that it will enhance its existing outside employment disclosure process to require employees to discuss their outside employment with their direct supervisor before signing the form. The affirmation paragraph will indicate that the employee has disclosed and discussed their outside employment with their direct supervisor before signing.

The Tollway committed to provide continued periodic mandatory FMLA training to frontline staff. The next training is scheduled to take place during the second quarter of 2021, and will cover updates on FMLA laws and best practices.

Finally, the Tollway reported that it will implement the third-party administrator, FMLA Source's One Call Absence Reporting System during the third quarter of 2021. This new system is designed to standardize reporting documentation and enable management to run reports in order to track/monitor FMLA use. Training on this new system will be included in the above-referenced FMLA training.

REFERRALS

OIG refers matters that are either not within its jurisdiction, or which appear suited for Tollway management's review and action. Responses to several notable referrals are summarized below.

RF-20-74 COVID-19 Testing

OIG received an anonymous report that the Tollway was preventing employees at an M site from getting tested after one of the employees received a positive diagnosis for COVID. OIG referred the matter to Engineering. Management responded that, in addition to having the site deep cleaned by Tollway custodial staff the day after the reported incident, it conducted contact tracing to determine if any employees were in close contact with the diagnosed employee. Per the Centers for Disease Control and Prevention (CDC), close contact is defined as a person having greater than 15 minutes of exposure over a 24-hour period. Management followed this guidance and determined that no employee had had close contact and that the employees had exercised appropriate social distancing and use of PPE. The manager advised staff that if any had concerns, they should go for testing, and did not threaten discipline for getting tested. Several employees went for testing and all were negative.

RF-20-095 Email Phishing

OIG received a report from a Tollway Senior Manager about an email phishing attempt that unsuccessfully sought to impact a Tollway transaction with another local governmental entity. Under the scheme, the local government received an email purportedly from the Tollway providing instructions that differed from previous instructions. Because these instructions were different, the entity contacted the Tollway official who confirmed that the email was not authentic. OIG learned that the email had not been sent from a Tollway account and consulted with Tollway IT Security, which reviewed the circumstances and determined that this phishing attempt likely arose from outside of the Tollway. OIG referred the allegation to ISP for criminal investigation. OIG also worked with Tollway management in IT, Finance, and Engineering to ensure communication with Tollway stakeholders advising of the need for vigilance against these types of phishing attempts and re-iterating proper Tollway protocols.

GENERAL SUMMARY OF OTHER ACTIVITY

In addition to investigatory activities described above, the Inspector General and OIG staff have engaged in other related projects, including:

- Providing content for Tollway New Employee Orientation video.
- Providing overview orientation for new Director Jacqueline Gomez.
- Continuing to collaborate with IT and Procurement to finalize an RFP for database and work flow system, which we expect will be posted shortly.
- Regularly engaging with Tollway stakeholders, including Internal Audit, ISP, EEO/ADA, the Board Chair, and Executive staff about common issues and ways to improve.
- Providing input to the Chairman, Administration, Legal, and Executive on proposed Tollway policy and procedure revisions.
- Working with Ethics, Internal Audit, and Legal on the Conflict Review Committee.