

**MINUTES OF REGULAR MEETING OF  
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY**

November 18, 2004

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The Illinois State Toll Highway Authority met in regular session on Thursday, November 18, 2004 at approximately 10:00 a.m. in the Board Room of The Illinois State Toll Highway Authority's Administration Building in Downers Grove, Illinois.

The Meeting was held pursuant to By-Laws of the Authority upon call and notice of the Meeting executed by Chairman John Mitola, which notice reads in words and figures as follows:

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY  
Administration Building  
2700 Ogden Avenue  
Downers Grove, Illinois 60515

Governor Rod Blagojevich

Director Ronald Materick

Secretary Timothy Martin

Director George Pradel

Director David Andalcio

Director James Roof

Director Carl Towns

Director Carl Kramp

Pursuant to the provisions of Article IV, Section 2 of the Code of By-laws of The Illinois State Toll Highway Authority, Notice is hereby given of the next meeting of the Authority to be held on Thursday, November 18, 2004 at 10:00 a.m. in the Boardroom of the Administration Building in Downers Grove, Illinois.

John Mitola  
Chairman

This meeting will be accessible to individuals with disabilities in compliance with Executive Order #5, and pertinent state and federal laws, upon notification of anticipated attendance. Persons with disabilities planning to attend and needing accommodations should contact the Americans with Disabilities Act Coordinator of The Illinois State Toll Highway Authority at (630) 241-6800, Ext. 1010 in advance of the meeting at 2700 Ogden Avenue, Downers Grove, IL, to inform of their anticipated attendance.

Chairman Mitola stated that this is a regularly scheduled meeting of the Board of The Illinois State Toll Highway Authority and asked the Secretary to call the roll. Those present and absent were as follows:

Present:

Chairman John Mitola  
Director David R. Andalcio  
Director Carl Kramp  
Director Ronald E. Materick  
Director James Roof  
Director Carl Towns

Absent:

Governor Rod R. Blagojevich  
Secretary Timothy Martin  
Director Jim Banks  
Director George Pradel

Chairman Mitola asked if there was any public comment and there being none, called for a motion to approve the Minutes of the Regular Board Meeting held on October 28, 2004.

Director Kramp moved for approval of the Minutes; seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays", declared the motion carried.

Mr. Tom Bamonte requested that the Executive Session Minutes dated February 28, 2002, May 30, 2002, July 18, 2002, September 19, 2002, September 26, 2002, October 31, 2002, November 14, 2002, November 21, 2002, December 12, 2002, February 20, 2003, March 27, 2003, May 29, 2003, June 26, 2003 and August 28, 2003, be released to the public.

Chairman Mitola called for a motion to approve the above dated Executive Session Minutes for release.

Director Kramp moved for approval; seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays", declared the motion carried.

Chairman Mitola then thanked the Directors for attending the public hearing outlining the Tollway's annual budget process. Finance will be publishing on the web site, direct responses from the Tollway on questions asked at the public hearings.

Chairman Mitola then called on the Executive Director. Mr. Jack Hartman briefed the Board on new I-PASS lanes, Open Road Tolling and the Oasis Redevelopment Project.

He then introduced Rusty Castillo who gave a presentation on the Tollway's new Diversity Program. A copy is attached.

After a brief discussion on the Diversity Program, Chairman Mitola called on the Chief of Information Technology to present his agenda.

Mr. Ted Young requested adoption of a contract renewal to Intellect Technologies for Factory Maintenance of the Fiber Optic Equipment in the amount of \$91,350.00. This appears in the Appendage as Resolution No. 16604.

Chairman Mitola called for a motion adopting said resolution. Director Roolf moved for adoption; seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays", declared the motion carried.

Chairman Mitola then called on the Chief of Finance. Mr. Mike Colsch requested adoption of the following resolutions:

A contract to purchase Mark IV equipment necessary to build an ORT test site. This appears in the Appendage as Resolution No. 16605.

A Change Order on the existing TransCore contract to allow for changes in the ATTLAS violation system. This appears in the Appendage as Resolution No. 16606.

A renewal of the Property Insurance Program in the amount of \$575,653.00. This appears in the Appendage as Resolution No. 16607.

Approval to establish funding for the Improvement Account. This appears in the Appendage as Resolution No. 16608.

Chairman Mitola called for a motion adopting said resolutions. Director Towns moved for approval; seconded by Director Kramp.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Chairman Mitola asked Mr. Colsch to explain the budget process. Mr. Colsch stated that the tentative budget would be brought back to the Finance-Administration Committee in December with any changes and the final budget will be voted on at the December Board Meeting.

Chairman Mitola asked Mr. Colsch to get any changes to the Directors as soon as possible so they can review them.

Director Roolf commented that he felt the Q & A session at the first budget hearing was well done.

Director Kramp commented on the motorcycles for the State Police. Staff didn't put in what we were leasing them for and he wanted to give credit to Harley Davidson for what they are doing for the Tollway.

Chairman Mitola then called on Rusty Castillo to present the items for Administration. Ms. Castillo requested adoption of the following:

Award of Contract 04-6706 for Lubricants and Oils to Safety Kleen Corporation; Unicorn Oil Corporation; Enterprise Oil Corporation; and Aerotech Industries, Incorporated, in an amount not to exceed \$75,000.00. This appears in the Appendage as Resolution No. 16609.

Award of Contract 04-6656 for Barricades to United Rentals Highway Technologies, in an amount not to exceed \$30,013.50. This appears in the Appendage as Resolution No. 16610.

Award of Contract 04-6693 for Aluminum Sign Blanks to Vulcan, Incorporated, in an amount not to exceed \$31,054.22. This appears in the Appendage as Resolution No. 16611.

Award of Contract 04-6607 for Vehicles – Snow Plow 35,000 and 48,000 GVWR to International Truck and Engineering, in an amount not to exceed \$3,442,339.00. This appears in the Appendage as Resolution No. 16612.

Award of Contract for Conveyor Rehabilitation in the Money Room to Industrial Kinetics, Incorporated, in an amount not to exceed \$97,219.00. This appears in the Appendage as Resolution No. 16613.

Renewal of Contract 03-6557 to Energy Absorption Systems, Incorporated for Attenuator Parts, in the amount of \$249,500.00 by \$300,000.00 to an amount not to exceed \$549,500.00. This appears in the Appendage as Resolution No. 16614.

Renewal of Contract 04-6572 to Sherwin Industries, Incorporated for Crack Sealing Materials, from \$112,640.00 by \$100,000.00 to an amount not to exceed \$212,640.00. This appears in the Appendage as Resolution No. 16615.

Increase on Contract 02-6410 to United Armored Services for Armored Car Service, from \$411,750.00 by \$163,250.00 to an amount not to exceed \$575,000.00. This appears in the Appendage as Resolution No. 16616.

Increase on Contract 02-6409 to Tepper Electric Supply for Lamps, from \$83,000.00 by \$4,000.00 to an amount not to exceed \$87,000.00. This appears in the Appendage as Resolution No. 16617.

Increase on Contract 02-6368 to Boise-Cascade Office Products Division for Office Supplies, from \$149,000.00 by \$12,000.00 to an amount not to exceed \$161,000.00. This appears in the Appendage as Resolution No. 16618.

Increase on Contract 04-6653 to Civiltech Engineering, Incorporated; Santacruz Associates, Ltd.; U.S. Equities Development, LLC; and Land Acquisitions, Incorporated for Appraisal Services, from \$250,000.00 by \$250,000.00 to an amount not to exceed \$500,000.00. This appears in the Appendage as Resolution No. 16619.

Emergency Affidavit to Northern FS, Incorporated, for Gasoline and Diesel Fuel, in the estimated amount of \$282,740.00. This appears in the Appendage as Resolution No. 16620.

Director Materick asked for some information on Item 5.3 d, Snow Plows. Ms. Marilyn Johnson explained that this is for the purchase of snowplow trucks and the old equipment will be sold at auction.

Chairman Mitola called for a motion adopting said resolutions. Director Materick moved for adoption; seconded by Director Kramp.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Chairman Mitola then called on the Chief Engineer. Mr. Jeff Dailey explained that Engineering is developing a new capital plan reporting system that will have more detail available to the Directors.

Mr. Dailey requested approval of Award of Contract RR-04-5210 to Western Remac, Inc., for Roadway Signing, Systemwide, in the amount of \$1,747,311.00. This appears in the Appendage as Resolution No. 16621.

Chairman Mitola asked if we had the ability to stop a contract like this at any time and reflect upon whether we can find other respondents. Mr. Dailey said that we could cancel this at any time.

Mr. Hartman explained that the hard part of this contract is the December through January rate change in so many places. You need people and trucks available to do this work in a short period of time.

Chairman Mitola said he’s willing to approve this contract subject to staff’s commitment that they will keep looking for other companies to do this work.

Chairman Mitola called for a motion adopting this resolution. Director Andalcio moved for adoption; seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Mr. Dailey then requested approval of the Award of Contract I-04-7702 to T. J. Lambrecht Construction, Inc. for I-355 South Extension Grading, approximately between Mile Posts 0 and 10, in the amount of \$25,411,610.00. This appears in the Appendage as Resolution No. 16622.

Director Roolf stated, “This is an exciting time but I also must recuse myself from voting on this contract.”

Chairman Mitola held the vote on this item until another Director could be reached.

Director Materick stated, “I met with Jeff this morning on this contract. The budget that was prepared by CTE for this scope of work was over \$50 million. The amount of this contract represents less than half of what our engineers budgeted. How, for what we’re paying for these services could they be so incorrect? I don’t doubt that this is probably a good price, what worries me is that we’ve seen examples of this before.”

Mr. Dailey explained that the budget figure shown of \$30 million is wrong. The Engineers’ estimate was \$54.4 million dollars. CTE prepared the estimate about a month ago and the plans were prepared quickly. They are providing an explanation. There wasn’t a lot of work out there and there’s not a lot of history with IDOT, and there should have been more outreach with other areas that are doing this type of work. We had several pre-bid meetings also and an indication was that there was concern because they were limiting the earthwork to different areas and the prices may be higher. We were restricting areas they could work because we’re still obtaining permits in certain areas. Lambrecht significantly outbid the other contractors.”

Mr. Dailey went on to say that this is one of the first different projects and he doesn’t believe homework was done on this.

Chairman Mitola asked Mr. Dailey to take his time on projects and look at the percentages. He also asked Jeff to modify the document to reflect the budget.

Mr. Dailey did say that the project budget was \$54 million but we budgeted \$30 million.

Chairman Mitola stated, “In the reports we should show both numbers.”



At this time, Director Pradel joined the meeting by phone. Chairman Mitola said, "Director Pradel, we are about to take a vote on the groundbreaking project for 355 which is earth moving. Director Roof has a business conflict with the contractor, T. J. Lambrecht Construction. We received three bids and engineering is recommending the lowest bidder. It was not presented at the Engineering Meeting because the bids came in after that meeting. We've had a discussion here related to the amount of \$25,441,610.00, which was the low bid as compared to the original engineering estimate, which was \$54 million. Director Materick and myself question the wide disparity between the original engineering estimate and this low bid. Jeff will do some analysis related to the issue of engineering estimates versus bid award amounts."

Chairman Mitola called for a motion adopting this resolution. Director Materick moved for approval; seconded by Andalcio.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays", declared the motion carried. Director Roof abstained from voting but was very much in favor of the award.

Mr. Dailey then requested adoption of an Affidavit for the repair of damages caused by a vehicle impact at Plaza 36 (82<sup>nd</sup> St.) on the Tri-State Tollway, Mile Post 19.8, in the estimated amount of \$200,000.00. This appears in the Appendage as Resolution No. 16623.

Chairman Mitola called for a motion adopting said resolution. Director Roof moved for adoption; seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays", declared the motion carried.

Mr. Dailey then requested adoption of a Proposal from Consoer Townsend Envirodyne Engineers, Inc. for General Consulting Engineering Services for 2005 in an amount not to exceed \$7,482,364.00. This appears in the Appendage as Resolution No. 16624.

Director Materick stated, "My feeling has been that we need price competition on these consulting services and we're apparently not able to do that. We are however able to negotiate the price so this may or may not be a good price. The multiplier has gone down but the total amount is still what

it was the last couple of years. I thought we would go out with an RFP this year for the general consultant and the traffic consultant, but that didn't happen. When we bring in people for these consulting engineers, we're paying them approximately \$200,000. I believe we're paying more than what these services are worth. I'd like to have some reassurance that next year, when this contract ends, we will go out with an RFP."

Mr. Hartman explained that this is the last year of the contract. It was a three-year contract, plus one, plus one. He said we will definitely go out for bid next year on both these contracts.

Director Materick said, "I hope the other directors will support my contention that we need to do that. I think there's money to be saved here and I want to ensure that we're getting the highest level of services that we can get."

Mr. Hartman stated, "We've looked at what every other major government agency has done and we're lower than many. We're lowering the multiplier and getting more hours from these firms."

Director Roolf stated, "Director Materick's comments are well taken and that's part of our responsibility and the staff's responsibility. We should get the best job for the least amount of money."

Chairman Mitola asked Mr. Hartman how our current multiplier compares to IDOT's.

Mr. Hartman responded, "This is lower than IDOT's. We've been working with Secretary Martin to get those multipliers lower. These are hard times for all of us. We look at these types of things and try to get them bid as competitively as we can."

Director Andalcio said "We are negotiating these contracts, we have lowered the multiplier and we will put out an RFP on these contracts for new services and be competitive when this contract is up."

Chairman Mitola called for a motion adopting this resolution. Director Andalcio moved for adoption, seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Mr. Dailey then requested adoption of the following:

Release of Retainage on Contract RR-02-5061 for Roadway Resurfacing on the Northwest Tollway, approximately between Mile Posts 24 (Rt. 31) and 36 (US 20 Ramp) to Harry W. Kuhn, Inc. in the amount of \$57,952.24. This appears in the Appendage as Resolution No. 16625.

Release of Retainage on Contract RR-02-5092 for Earthwork, Paving and Special Waste Handling Services for the Oases, to Micah Group LLC, in the amount of \$40,350.84. This appears in the Appendage as Resolution No. 16626.

Release of Retainage on Contract RR-03-5152 for Bridge Substructure Rehabilitation on the Tri-State Tollway at Mile Post 42.4 (Touhy), to Herlihy Mid-Continent Company, in the amount of \$15,942.12. This appears in the Appendage as Resolution No. 16627.

Release of Retainage on Contract RR-04-5204 for Intermittent Pavement Repairs on the Northwest Tollway, approximately between Mile Posts 60 (Kishwaukee River) and 76 (West Terminus), in the amount of \$46,255.59. This appears in the Appendage as Resolution No. 16628.

Permit TS-04-09 to Nicor Gas for permission to install, operate and maintain an 8-inch gas main along and west of the Mannheim Road Bridge over the Tri-State Tollway. Fee is not required. This appears in the Appendage as Resolution No. 16629.

Permission to increase the upper limit of compensation by \$2,400,000 on Resolution No. 14412 dated 8/30/95. This resolution authorized the Property Management Division to acquire parcels necessary for the construction of the South Extension of the North-South Tollway. This appears in the Appendage as Resolution No. 16630.

Chairman Mitola called for a motion adopting said resolutions. Director Kramp moved for adoption, seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Chairman Mitola then called on the Chief of Planning. Ms. Leanne Redden requested adoption of a resolution approving a proposal from Wilbur Smith and Associates, Inc. for Traffic Engineering Services in 2005, in an amount not to exceed \$1,957,270.00. This appears in the Appendage as Resolution No. 16631.

After a brief discussion, Chairman Mitola called for a motion adopting this resolution. Director Kramp moved for adoption; seconded by Director Roof.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Chairman Mitola then called on the General Counsel. Mr. Tom Bamonte requested adoption of the following:

Resolution approving the text of a new administrative rule authorizing the Tollway’s administrative organization, as well as its procedures, by which the public can request information and propose administrative rules. This appears in the Appendage as Resolution No. 16632.

Resolution approving revisions to the Personnel Policies and Procedures Manual. This appears in the Appendage as Resolution No. 16633.

Intergovernmental Agreement with the State of Illinois, the County of DuPage and the City of Chicago, concerning Roadway Improvements in the vicinity of the western boundary of O’Hare International Airport. This appears in the Appendage as Resolution No. 16634.

Intergovernmental Agreement with the State of Illinois, the City of Chicago and the County of DuPage for engineering services relating to proposed relocation of the intersection of Illinois Route 19 (Irving Park Road) and York Road. This appears in the Appendage as Resolution No. 16635.

Resolution authorizing the retention of the law firm of Jones Day Reavis and Pogue to provide the Tollway and the Illinois Department of Transportation advice, legal analysis, and necessary litigation services pertaining to issues relating to the South Extension of I-355 through Will County (FAP 340). This appears in the Appendage as Resolution No. 16636.

With regard to Item 5.6e, Director Materick asked if we pay these people standard fees for their legal services. Mr. Bamonte said yes, but they are separately negotiated and there are certain limits in place, which are established by the Attorney General's Office.

Chairman Mitola called for a motion adopting said resolution. Director Kramp moved for adoption; seconded by Director Towns.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays", declared the motion carried.

Mr. Bamonte then requested adoption of the following:

Resolution authorizing retention of certain law firms to provide legal services in connection with the issuance of bonds to provide financing for the Long-Range Plan and other matters relating to the Tollway's capital financing. This appears in the Appendage as Resolution No. 16637.

Mr. Bamonte stated that this item was briefly discussed in the Finance-Administration Committee Meeting. Since that time, the counsel selected was Perkins Coie as lead bond counsel and Burke Burns & Pinelli, Ltd. As co-bond counsel.

Intergovernmental Agreement with the Illinois Department of Transportation to connect its fiber optic facilities from Plaza 19 to Illinois Route 47 and to install a video camera at Plaza 73. This appears in the Appendage as Resolution No. 16638.

Chairman Mitola called for a motion adopting these resolutions. Director Roolf moved for adoption; seconded by Director Kramp.

Chairman Mitola called for a voice vote, and there being "Ayes" and no "Nays"

Under New Business, Chairman Mitola stated, “the dynamic message sign on I-88 west says traffic times coming soon. What does that mean?”

Mr. Dailey said they should be there within the week.

There being no further business, Chairman Mitola called for a motion to adjourn. Director Materick moved to adjourn; seconded by Director Kramp.

Chairman Mitola called for a voice vote, and there being “Ayes” and no “Nays”, declared the motion carried.

Meeting adjourned at approximately 11:15 a.m.

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Secretary  
The Illinois State Toll Highway Authority