



## Record of Meeting | April 26, 2022

The Illinois State Toll Highway Authority's ("Tollway") Board of Directors met in regular session on Tuesday, April 26, 2022. The meeting was held pursuant to the By-Laws of the Tollway upon call and notice of the meeting executed by Chair Dorothy Abreu 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 Chair Abreu 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 Committee 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

Chair Abreu called the meeting to order at approximately 9:45 a.m. Chair Abreu asked the Board Secretary to call the roll, those Directors present and absent being as follows:

Board Members Present:
Chair Dorothy Abreu
Director James Connolly
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director James Sweeney

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

The Board Secretary declared a quorum present.

Chair Abreu highlighted key project awards this month, emphasizing the Tollway's commitment to working collaboratively with the Agency's many partners to advance the Elgin O'Hare Western Access and the Central Tri-State projects.



Chair Abreu welcomed Interim Executive Director, Lanyea Griffin and commended the experience and knowledge she brings to the leadership team. Chair Abreu noted that the Agency is stressing a focus on cybersecurity and the procurement process, important to advancing equitable access and driving positive economic impact toward the local economy.

Chair Abreu next introduced Lt. Ken Benson, Illinois State Police District 15, to provide a safety message.

### **Safety Message**

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Lt. Benson reported on Illinois State Police efforts earlier in the month during Work Zone Safety Awareness week. He stated that throughout the construction season, troopers will be actively patrolling work zones as well as using photo speed enforcement vans deployed in work zones across the state. Lt. Benson noted that the minimum fine for first offense of speeding in a work zone is \$250, with the second offense resulting in driver's license suspension of 90 days and a \$750 fine. Lt. Benson implored drivers to refrain from texting, e-mailing, and browsing the internet on electronic devices while driving, all of which are prohibited by Illinois law.

Chair Abreu thanked Lt. Benson for the important and timely Safety Message.

### **Public Comment**

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Chair Abreu opened the floor for public comment. No public comment was offered.

### **Chair's Items**

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*Item 1: Approval of the Minutes of the Regular Board of Directors Meeting held March 16, 2022 and the Special Board of Directors Meeting held March 21, 2022.*

Chair Abreu entertained a motion to approve **Chair's Item 1**, the Minutes of the regular Board of Directors meeting held on March 16, 2022, and the Minutes of the special Board of Directors meeting held on March 21, 2022, as presented. Director Connolly made a motion to approve the Minutes, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.



Item 2: Approval of the Minutes of the Executive Session of the Board of Directors Meeting held March 16, 2022.

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

Item 3: Approval of Resolution honoring Michael Wayne's 50 years of service to the Tollway.

Chair Abreu acknowledged and congratulated Project Manager Michael Wayne for his 50 years of service to the Tollway beginning in April of 1972. Chair Abreu read into the record the following resolution commemorating Mr. Wayne's service:

*Michael Wayne, Business Systems Project Manager, has achieved the admirable and unsurpassed milestone of fifty years of service to The Illinois State Toll Highway Authority ("Tollway"), serving from April 20, 1972 through April 20, 2022.*

*With Mr. Wayne's leadership, the Tollway has developed and implemented the nation's premier tolling system, deployed I-PASS technology and electronic tolling across our roadways, advanced innovations that promote enhanced customer service and collaboration with national tolling partners, maintained the safety and efficiency of the Tollway system and furthered preservation of the Tollway system and improvements to the regional transportation network.*

*Mr. Wayne's dedication and hard work will enable the Tollway to continue to provide the people of the State of Illinois and the motoring public with a safe, modern and efficient toll highway system, and the Tollway and the State of Illinois will benefit for years to come from his contributions.*

*As a sign of respect, appreciation and esteem, and on behalf of all Tollway employees, the Board of Directors of The Illinois State Toll Highway Authority express their sincere gratitude to Mike Wayne for his valuable contributions to the Tollway and present him with this Resolution, which will be recorded in the Minutes of The Illinois State Toll Highway Authority.*

Chair Abreu entertained a motion to approve **Chair's Item 3**, as presented. Director Connolly made a motion to approve this item, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)



The motion PASSED.

[*The meeting was adjourned for approximately 10 minutes to allow for photographs with Mr. Wayne.*]

#### Item 4: Committee Reports

Chair Abreu dispensed with committee reports, noting that all Directors were present for the committee meetings.

Having no further items, Chair Abreu turned the floor over to interim Executive Director Lanyea Griffin.

### **Executive Director's Items**

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Interim Executive Director Griffin expressed her gratitude to the Board of Directors for the opportunity to lead the Agency as it continues delivery to the region of key initiatives. She congratulated Mike Wayne on his years of service and commended the tireless efforts of staff agencywide. Interim Executive Director Griffin pledged a spirit of collaboration, ethics and integrity as the Agency moves forward.

Interim Executive Director Griffin 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, 2021 to February 28, 2022. [See attached report.](#)

Interim Executive Director Griffin, having no further items to report, returned the floor to Chair Abreu.

### **Items for Consideration**

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#### **Finance**

*Item 1: Award of Contract 20-0182R to PFM Financial Advisors LLC for the purchase of Municipal Advisor Services in an estimated amount not to exceed \$590,000.00 for an initial three-year term and a possible two-year renewal term in an estimated amount not to exceed \$195,000.00 (Tollway Request for Proposal).*

Chair Abreu entertained a motion to approve **Finance Item 1**. Director Connolly made a motion to approve this item, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:



Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

### Information Technology

Chair Abreu stated that without objection, consideration of Information Technology Item 3 will be deferred to a future meeting.

*Item 1: Award of Contract 21-0221 to CDW Government LLC for the purchase of Citrix NetScaler Hardware, Software, and Services in an amount not to exceed \$1,634,392.00 (Tollway Invitation for Bid).*

*Item 2: Award of Contract 22-0052 to Presidio Networked Solutions Group, LLC for the purchase of Cisco Network Equipment Refresh in an amount not to exceed \$1,486,297.78 (Order Against DoIT Master Contract).*

*Item 3: Award of Contract 21-0044 to Computer Aid, Inc. for the purchase of Technology Professional Services in an amount not to exceed \$21,207,050.00 for an initial four-year term and a possible two-year renewal term in an amount not to exceed \$11,854,424.00 (Tollway Request for Proposal).*

Chair Abreu entertained a motion to consolidate for consideration and action Information Technology Items 1 and 2. Director Connolly made a motion to consolidate these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chair Abreu entertained a motion to approve **Information Technology Items 1 and 2**. Director Connolly made a motion to approve these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)



Nays: (0)

The motion PASSED.

### Facilities and Fleet Operations

*Item 1: Award of Contract 21-0117 to McCann Industries, Inc. for the purchase of Case Off-Road Equipment Repairs, Parts, and Services in an amount not to exceed \$110,710.00 for an initial two-year term and a possible two-year renewal term in an amount not to exceed \$116,562.00 (Tollway Invitation for Bid).*

*Item 2: Award of Contract 21-0112RR to Patson, Inc. (d.b.a. TransChicago Truck Group) for the purchase of Freightliner Truck Repairs, Parts, and Services in an amount not to exceed \$223,800.00 for an initial five-year term and a possible two-year renewal term in an amount not to exceed \$89,520.00 (Tollway Invitation for Bid).*

*Item 3: Award of Contract 21-0099 to Morrow Brothers Ford, Inc. for the purchase of Light-Duty Trucks in an amount not to exceed \$4,141,336.50 (Tollway Invitation for Bid).*

*Item 4: Award of Contract 21-0098 to Power Equipment Leasing Company and Morrow Brothers Ford, Inc. for the purchase of Medium-Duty Trucks in an aggregate amount not to exceed \$3,456,768.00 (Tollway Invitation for Bid).*

*Item 5: Amendment to Contract 13-0069 with GRM Information Management Services of Chicago, LLC for the purchase of Off-Site Storage Services in an amount not to exceed \$50,000.00 (Tollway Invitation for Bid).*

Chair Abreu stated that she has indicated in advance her wish to recuse herself on Facilities and Fleet Operations Item 1. She requested, without objection, that this item be taken first separately.

Chair Abreu entertained a motion to approve **Facilities and Fleet Operations Item 1**. Director Connolly made a motion to approve this item, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock (6)

Nays: (0)

Recusals: Chair Abreu (1)

The motion PASSED.



Chair Abreu entertained a motion to consolidate for consideration and action Facilities and Fleet Items 2 thru 5. Director Connolly made a motion to consolidate these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chair Abreu entertained a motion to approve **Facilities and Fleet Operations Items 2 thru 5**. Director Connolly made a motion to approve these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

## Engineering

*Item 1: Award of Contract I-21-4820 to Foundation Mechanics, LLC for Bridge Rehabilitation on the Tri-State Tollway (I-294) at Mile Post 23.75 (I-294/I-55 Ramp AB over Sewage Disposal Road) in the amount of \$868,639.53.*

*Item 2: Award of Contract I-21-4830 to Schwartz Excavating, Inc. for Grading and Drainage Improvements on the Tri-State Tollway (I-294) between Mile Post 5.0 (167th Street) and Mile Post 6.0 (159<sup>th</sup> Street) in the amount of \$757,813.22.*

*Item 3: Award of Contract I-21-4814 to Lorig Construction Company for Noise Abatement Wall Fabrication and Noise Abatement Wall Replacement at Plaza 35 (Cermak Road) on the Tri-State Tollway (I-294) between Mile Post 30.0 and Mile Post 31.6 in the amount of \$3,976,657.60.*

*Item 4: Award of Contract RR-21-9257R to Craft Mechanical, LLC for Heating, Ventilation and Air Conditioning (HVAC) Traffic Operations Center and Dispatch Center Renovation on the Veterans Memorial Tollway (I-355) at Mile Post 19.8 (Central Administration Building) in the amount of \$1,488,000.00.*



Item 5: Award of Contract RR-21-9258R to Engineered Services, Inc. dba Powerlink Electric for Electrical/Information Technology Traffic Center and Dispatch Center Renovation on the Veterans Memorial Tollway (I-355) at Mile Post 19.8 (Central Administration Building) in the amount of \$8,171,037.00.

Item 6: Award of Contract I-21-4818 to Foundation Mechanics, LLC for Watermain Cathodic Protection Installation on the Jane Addams Memorial Tollway (I-90) between Mile Post 59.0 (IL 53) and Mile Post 73.5 (IL 83) in the amount of \$1,285,150.00.

Item 7: Change Order on I-20-4518 to Walsh Construction Company II, LLC for Roadway Reconstruction and Widening on the Tri-State Tollway (I-294) between Mile Post 19.3 (Plaza 39) and Mile Post 22.3 (75th Street) in the amount of \$465,840.00, increasing the contract amount from \$72,872,285.41 to \$73,338,125.41.

Item 8: Change Order / Extra Work Order on I-18-4430 to F.H. Paschen, S.N. Nielsen & Associates, LLC for Roadway and Bridge Reconstruction on the Tri-State Tollway (I-294) between Mile Post 20.7 and Mile Post 22.3 (Mile Long Bridge) in the amount of \$450,000.00, increasing the contract amount from \$188,035,668.24 to \$188,485,668.24.

Item 9: Change Order / Extra Work Order on I-17-4673 to Plote Construction Inc. for Roadway Construction on the Elgin O'Hare Western Access (I-490) between Irving Park Road (Illinois Route 19) and Illinois Route 390 Tollway in the amount of \$1,861,462.44, increasing the contract amount from \$33,685,075.39 to \$35,546,537.83.

Item 10: Acceptance of Proposal from STV, Inc., on Contract I-21-4744 for Construction Management Services for the Elgin O'Hare Western Access Tollway (I-490) Railroad Bridge Construction Union Pacific Railroad over Grand Avenue in an amount not to exceed \$3,122,000.00.

Item 11: Acceptance of Proposal from exp U S Services, Inc. on Contract I-21-4828 for Design Services Upon Request on the Tri-State Tollway (I-294) in an amount not to exceed \$5,000,000.00.

Item 12: Acceptance of Proposal from TranSystems Corporation/Hanson Professional Services, Inc. on Contract I-17-4298 for Supplemental Design Services on the Tri-State Tollway (I-294) between Mile Post 24.1 (I-55 Ramps) and Mile Post 27.8 (Ogden Avenue) in an amount of \$410,000.00, increasing the contract amount from \$27,152,500.00 to \$27,562,500.00.

Item 13: Acceptance of Proposal from Gandhi & Associates, Inc. on Contract I-17-4308 for Supplemental Design Services for Intelligent Transportation Systems and Lighting Design on the Tri-State Tollway (I-294) between Mile Post 17.8 (95th Street) and Mile Post 40.0 (Balmoral





Avenue) in an amount of \$500,000.00, increasing the contract amount from \$6,889,000.00 to \$7,389,000.00.

*Item 14: Acceptance of Proposal from Jacobs Engineering Group, Inc. on Contract I-17-4300 for Supplemental Design Services for Roadway Reconstruction and Widening on the Tri-State Tollway (I-294) from Mile Post 30.5 (Roosevelt Road) to Mile Post 32.3 (St. Charles Road) in an amount of \$2,800,000.00, increasing the contract amount from \$44,141,000.00 to \$46,941,000.00.*

*Item 15: Acceptance of Proposal from AECOM Technical Services, Inc. on Contract RR-16-4265 for Supplemental Design Corridor Management and Design Services on the Tri-State Tollway (I-294) in an amount of \$2,950,000.00, increasing the contract amount from \$84,062,076.00 to \$87,012,076.00.*

*Item 16: Award of Contract 21-0194 to MDSolutions Inc. for the purchase of Aluminum Extrusions in an amount not to exceed \$490,255.15 (Tollway Invitation for Bid).*

*Item 17: Award of Contract 21-0054RR to Production Distribution Companies, Inc. for the purchase of LED Luminaires and Components in an amount not to exceed \$157,013.90 for an initial two-year term and a possible two-year renewal term in an amount not to exceed \$168,839.15 (Tollway Invitation for Bid).*

*Item 18: Land Acquisition – Sale of Excess Property in the amount of \$175,000.00 for Parcels T-1C-652.EX, T-1C-653.EX, T-1C-654.EX, T-1C-655.EX, T-1C-656.EX, T-1C-657.EX, T-1C-658.EX, T-1C-659.EX, T-1C-660.EX and T-1C-661.EX located north of 159th Street and west of I-294 in the city of Markham. Cost to Tollway: N/A.*

Chair Abreu stated that she has indicated in advance her wish to recuse herself on Engineering Items 3, 4, 5, 7, 8 and 12 thru 15. She requested, without objection, that these items be taken first as a group.

Chair Abreu entertained a motion to consolidate for consideration and action Engineering Items 3, 4, 5, 7, 8 and 12 thru 15. Director Connolly made a motion to consolidate these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock (6)

Nays: (0)

Recusals: Chair Abreu (1)



The motion PASSED.

The motion to consolidate these items having carried, Chair Abreu entertained a motion to approve **Engineering Items 3, 4, 5, 7, 8 and 12 thru 15**. Director Connolly made a motion, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock (6)

Nays: (0)

Recusals: Chair Abreu (1)

The motion PASSED.

Chair Abreu stated that without objection, the remaining Engineering items will be taken as a group. She entertained a motion to consolidate for consideration and action Engineering Items 1, 2, 6, 9 thru 11, and 16 thru 18. Director Connolly made a motion to consolidate these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chair Abreu entertained a motion to approve **Engineering Items 1, 2, 6, 9 thru 11, and 16 thru 18**. Director Connolly made a motion to approve these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

## Legal



Chair Abreu stated that without objection, Legal Item 1 will be deferred to a later meeting. Chair Abreu then stated that Legal Items 4, 5 and 6 will be deferred until after consideration in Executive Session.

Item 1: *Approval of Intergovernmental Agreement with Ohio University. Cost to the Tollway: \$1,700,000.*

Item 2: *Approval of Second Addendum to Intergovernmental Agreement with Pace. Cost to the Tollway: \$386,815 reduction of Pace reimbursement due to the Tollway.*

Item 3: *Approval of Intergovernmental Agreement with Fire Protection Districts and Municipal Fire Departments. Cost to the Tollway: \$350,000.*

Item 4: *Amendment to Land Acquisition Resolution 22314 for the Elgin O'Hare Western Access project (EOWA) to add 2 parcels that may need to be acquired by condemnation. See ISTHA v. DiBenedetto. Cost to the Tollway: As discussed in Executive Session.*

Item 5: *Authorization to enter into Settlement Agreement. As discussed in Executive Session.*

Item 6: *Authorization to enter into Settlement Agreement. As discussed in Executive Session.*

Chair Abreu entertained a motion to consolidate for consideration and action Legal Items 2 and 3. Director Connolly made a motion to consolidate these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chair Abreu entertained a motion to approve **Legal Items 2 and 3**. Director Connolly made a motion to approve these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)



The motion PASSED.

### Administration

*Item 1: Renewal of Contract 18-0089 with Perspectives, Ltd. for the purchase of Employee Assistance Program Services in an amount not to exceed \$63,780.00 (Tollway Request for Proposal).*

Chair Abreu entertained a motion to approve **Administration Item 1**. Director Connolly made a motion to approve this item, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

### Executive Session

Chair Abreu called for a motion to enter into Executive Session pursuant to exceptions provided in Sections 2(c)1, 11, 21 and 29 of the Open Meetings Act, 5 ILCS 120/2(c)1, 11, 21 and 29, to consider Tollway matters related to personnel, pending or probable litigation, the minutes of closed meetings and internal audit controls. Director Connolly made a motion, pursuant to the sections specified, to enter Executive Session, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

At approximately 10:30 a.m. the Board entered into Executive Session.

### Return from Executive Session and Action (if any)

<b>Board Members Present:</b>
Chair Dorothy Abreu

<b>Board Members Not Present:</b>
Governor JB Pritzker [ex officio]



Director James Connolly
Director Alice Gallagher
Director Jacqueline Gomez
Director Karen McConnaughay
Director Scott Paddock
Director James Sweeney

Secretary Omer Osman [ex officio]
Director Gary Perinar

At approximately 11:55 p.m., the Board re-entered the public session of the Meeting.

*Chair's Item 2: Approval of the Minutes of the Executive Session of the Board of Directors Meeting held March 16, 2022.*

Chair Abreu entertained a motion to approve **Chair's Item 2**, as discussed in Executive Session. Director Connolly made a motion to approve the Minutes, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

*Legal Item 4: Amendment to Land Acquisition Resolution 22314 for the Elgin O'Hare Western Access project (EOWA) to add 2 parcels that may need to be acquired by condemnation. See ISTHA v. DiBenedetto. Cost to the Tollway: As discussed in Executive Session.*

*Legal Item 5: Approval of Settlement Agreement. Cost to the Tollway: As discussed in Executive Session.*

*Legal Item 6: Approval of Settlement Agreement. Cost to the Tollway: As discussed in Executive Session.*

Chair Abreu entertained a motion to consolidate for consideration and action Legal Items 4 thru 6. Director Connolly made a motion to consolidate these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)



Nays: (0)

The motion PASSED.

The motion to consolidate these items having carried, Chair Abreu entertained a motion to approve **Legal Items 4 thru 6**. Director Connolly made a motion to approve these items, seconded by Director Sweeney. Chair Abreu asked that the roll be called on the motion, the vote of yeas and nays being as follows:

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

### Adjournment

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

Yeas: Director Connolly, Director Sweeney, Director Gallagher, Director Gomez, Director McConnaughay, Director Paddock, Chair Abreu (7)

Nays: (0)

The motion PASSED.

The Meeting adjourned at approximately 12:00 pm

Minutes taken by: \_\_\_\_\_

Christi Regnery  
Board Secretary  
Illinois State Toll Highway Authority



Illinois State Toll Highway Authority

**Office of the Inspector General**

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**SUMMARY ACTIVITY REPORT**

September 1, 2021 through February 28, 2022

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Theodor J. Hengesbach  
Inspector General

Hotline: 866.786.5544  
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**OFFICE OF THE INSPECTOR GENERAL**  
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, 2022

**Re:** Office of the Inspector General Summary Activity Report for the Period Spanning  
September 1, 2021 to February 28, 2022.

**INTRODUCTION**

We submit this report pursuant to Section 8.5 of the Toll Highway Act (the Act).<sup>1</sup> The Act created the Office of the Inspector General (OIG) to provide independent oversight of the Illinois Tollway. On February 22, 2022, the Illinois Senate confirmed the re-appointment of Theodor J. Hengesbach to a second five-year term.

**MISSION/JURISDICTION**

The 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, the OIG strives to detect, deter, and prevent fraud, waste, abuse, corruption, misconduct, and mismanagement.

The OIG derives its authority and direction from the Illinois Toll Highway Act<sup>2</sup> and the Illinois Administrative Code.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 605 ILCS 10/8.5 605 ILCS 10/8.5.

<sup>3</sup> ILL. ADMIN. CODE title 2, sec. 3430 (2011).



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

The OIG conducts administrative and criminal investigations of alleged violations of law, rule or regulation, and misconduct or mismanagement. In addition, the OIG reviews Tollway policies and procedures, and employment and hiring files, and serves as liaison to law enforcement entities.<sup>5</sup>

## **STAFF**

The OIG is currently staffed with a General Manager of Investigations, an Investigator II, 2 Investigator Is, 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.

There are three budgeted positions that are vacant that are in the process of being posted and filled: the Deputy Inspector General, an Investigator II, and Information Analyst.

## **INTAKES**

The OIG receives complaints and reports of concerns and allegations of wrongdoing<sup>6</sup> 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),<sup>7</sup> an Investigation (IG), a Review (R), or an Investigative Assistance case (IA).<sup>8</sup> The OIG can also refer matters, as appropriate, to Tollway management, law enforcement or another entity, or decline to open a case.

Factors that impact this decision include: the reliability and accuracy of information based on the 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, which are limited scope inquiries to develop and evaluate available information to determine the most appropriate next action.

The 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.

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<sup>4</sup> See 605 ILCS 10/8.5(d).

<sup>5</sup> See 605 ILCS 10/8.5(f).

<sup>6</sup> The OIG can also self-initiate investigations and reviews.

<sup>7</sup> 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 30-day extensions may be approved by the Inspector General.

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

By law, the identity of any individual providing information or reporting possible or alleged misconduct to the OIG may not be disclosed without consent of that individual or as otherwise required by law<sup>8</sup>. Furthermore, state and federal Whistleblower laws prohibit retaliation against individuals who provide information to or cooperate with an OIG investigation.

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 45 incoming calls.

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, the OIG received 33 online submissions.

From September 1, 2021 through February 28, 2022, the OIG took action in 105 matters:

Preliminary Investigations	21 opened 17 closed 4 converted (2 Investigations, 1 Referral, 1 Review)
Investigative Assistance <sup>9</sup>	3 opened 4 closed
Investigations	3 opened 4 closed
Reviews	1 opened 3 closed
Referrals	73 matters referred 2 to Law Enforcement
Declined	4 matters

As of February 28, 2022, the following matters were pending<sup>10</sup>:

Preliminary Investigations	9
Investigative Assistance	0
Investigations	6
Reviews	3

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

<sup>10</sup> 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. The OIG also issues Management Advisory Reports to the Board Chair, the Executive Director and appropriate management officials, which describe operational concerns observed by the OIG in the course of its activities.

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

The following are summaries of OIG reports issued between September 1, 2021 and February 28, 2022.

### SUMMARY REPORTS OF INVESTIGATION

#### **IG-21-003**<sup>11</sup>

The Office of the Inspector General completed an investigation of an allegation that a Tollway employee sought and received special treatment from ISP respecting their child's DUI arrest in 2016.

This investigation established reasonable cause to find that a Tollway employee violated Tollway policies when they used their position and work relationships to seek favorable treatment from a (now) former ISP employee who ultimately effectuated the dismissal of the arrest. When interviewed, the Tollway employee admitted that, while at work, they used Tollway equipment to contact the (now) former ISP employee and asked them to help. They also confirmed that the arrest was later dismissed.

#### Response

The response was expected on July 15, 2021 and received July 7, 2021, and indicated that the Tollway agreed with the OIG findings and concurred with the recommendation of discipline, which it was in the process of assessing.

On November 22, 2021 the Tollway reported that it had suspended the employee without pay and presented them with charges seeking termination that alleged violations of Tollway policies. After reviewing the employee's response to those charges, the Tollway agreed to reduce the recommended termination to a time-served, unpaid suspension of 38 days with the understanding that future misconduct would be grounds for immediate termination.

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<sup>11</sup> As noted in the September 2021 Semi Annual Report, the final discipline for this matter had not been determined as of August 31, 2021, so this summary is included in this report.

## IG-21-005

The Office of the Inspector General completed an investigation into the circumstances that led to a payment of \$8860 to a vendor that had been contracted to provide a “12 foot x 12 foot Canine Concrete Kennel Pad with Canine Kennel Cage” at an ISP K9 officer’s residence. A previous OIG investigation (OIG Case # IG-20-002) determined that the vendor had violated their contract with the Tollway when they used a subcontractor without approval to perform the concrete work and when they sought payment for services they did not provide (specifically construction of the kennel), and the OIG recommended that the Tollway not pay the full amount it had been invoiced. In its response to that report, the Tollway informed the OIG that during the pendency of the investigation, the Tollway had paid the vendor the full amount they had invoiced (\$8860).

The OIG initiated an investigation of this payment. This investigation established reasonable cause to find that the Tollway committed waste when it paid the vendor for services it did not receive. While it appears that ISP did not perform a sufficient review of the matter or make full use of BidBuy resources before approving payment, there are inconsistencies in documentation and processes, which, combined with inadequate communication between the Tollway and ISP, contributed to a collective failure. The OIG recommended that the Tollway and ISP develop better communication and documentation for future procurements like these, and that timely and complete verification of services is requested and confirmed. OIG also recommended that the Tollway consider developing a stipend or reimbursement system for this type of project. Finally, OIG recommended that the Tollway consider corrective action and/or seek a refund from the vendor for amounts paid in excess of the services they provided.

### Response

The response was expected on October 15, 2021 and received on November 15, 2021. The initial response noted that this was an unusual contract and agreed that better communication and documentation were important.

A subsequent response received on January 20, 2022 provided more complete information and detailed changes to the small purchase process that simplify and ensure accuracy of the process, and reported that numerous trainings had been developed and presented by Procurement for Tollway stakeholders.

The Tollway reported that it had discussed the matter with the state’s Chief Procurement Office, which advised that it felt there was not sufficient basis to suspend the vendor. The Tollway also indicated that stipends are not permitted for small purchases, and that a reimbursement system would require coordination with other departments.

## MANAGEMENT ADVISORY REPORTS

### R-20-002

The OIG completed a review of a hiring sequence that culminated in the Procurement department hiring eight Contract Compliance Analysts in early 2020. The review included an examination of available documentation and interviews of key Tollway stakeholders and was undertaken to assess compliance with Rutan requirements and applicable Tollway Hiring Procedures and Policies.

Our review found that basic Rutan processes were followed, but identified opportunities for improved documentation to standardize the process. Specifically, in this sequence only 42% of candidates who met the minimum qualifications were selected for an interview, yet there is no documentation of how this interview list was determined. In addition, high level managers involved in the hiring disclosed potential conflicts in their Confidentiality and Conflict of Interest forms based on prior work relationships with several of these candidates, but no documentation reflects that these forms were reviewed or that potential conflicts were meaningfully assessed.

The OIG made several recommendations:

- Screening criteria, including that used to reduce the pool of qualified candidates, should be established prior to selection and documented in the hiring file.
- The Confidentiality and Conflict of Interest form and assessment process should be revised using the Central Management Services (CMS) form as a model so that:
  - Disclosures should be required of all hiring participants
  - The form should be certified by someone outside the process who has reviewed and assessed any disclosures to determine if the potential conflicts would undermine the integrity of the hiring process, and
  - The forms should be submitted several days prior to the interviews to allow for a meaningful review and adjustment of participation if necessary.

#### Response

The response was expected October 15, 2021 and the initial response was dated November 8, 2021 and received on November 15, 2021. That initial response recited the OIG's findings and pledged to generally "consider the OIG recommendations."

The Tollway subsequently provided a more complete response as well as a separate update.

The second response (dated December 17, 2021, and received January 20, 2022) addressed the specific recommendations and indicated that:

Administration now documents how interview pools are determined and approved and includes this documentation in the hiring file.

Administration began using the CMS Relationship Disclosure & Conflict of Interest Certification Form, which is required to be completed by all hiring participants including those who create/revise the position requirements, hiring/screening criteria, and the interview questions/weight, as well as those who conduct the screening, interviews, scoring and selection. These forms must be submitted before the interviews and must be reviewed and signed off on by someone not involved in the selection.

However, the update from the Human Resources division of the Administration department (dated December 20, 2021, and received January 20, 2022) incorrectly stated that the OIG Summary Report had been issued after Administration had decided to use the CMS Disclosure form. In fact, the OIG Summary Report had been issued a week before Administration sent an email announcing the intent to adopt the use of the CMS form.

On March 28, 2022, the Tollway provided a follow-up memorandum acknowledging the date error in the December 20 memo, and confirming that the Tollway had implemented enhanced processes and documentation based on the OIG recommendations.

The memo further pledged to enhance the review process to ensure timely responses, that dates are properly reflected, and management action plans accurately address OIG findings and recommendations.

### **R-21-001**

The OIG completed a review of a Tollway vendor and its subcontractors after receiving a complaint about potential conflicts of interest created by their work and their other Tollway contracts. This review confirmed that between November 2018 and February 2020, Vendor A and its subcontractors provided a wide range of contract compliance services that included reviewing Tollway vendors' participation goals. The OIG further confirmed that Vendor A and Subcontractor 1 and Subcontractor 2 worked on other Tollway contracts that had participation goals like those that they were tasked with assessing.

This review found that, while the services performed by Vendor A and its subcontractors created potential conflicts of interest, there were no actual conflicts of interest with their other Tollway contracts. Specifically, this review found that, during the pendency of this contract, Tollway staff and Vendor A took steps to avoid potential conflicts between Vendor A and its subcontractors and their other Tollway contracts. However, this arrangement seems to have relied on the knowledge of a few Tollway staff and vigilance of Vendor A's personnel, and there was and is no established standard process to ensure that that these types of conflicts are assessed and managed. Without a process to assess potential conflicts or a plan to manage them, there remains a strong risk that a conflict could occur either intentionally or inadvertently in other contracts involving less experienced staff.

Based on this review, the OIG recommended that the Tollway develop and implement a process to assess vendor relationships to determine if their work on one Tollway contract might conflict with their responsibilities on another Tollway contract. This process should mandate and empower a Tollway representative to identify, assess, and determine potential conflicts, and document this review and any mitigation efforts. This would ensure consistency and help guard against potential or actual conflicts.

### **Response**

The response was expected on December 28, 2021 and received January 20, 2022. The Tollway responded that key leadership personnel are reviewing the policy and procedures to ensure that they mandate and empower a Tollway representative to identify, assess, and determine potential conflicts, and document this review and any mitigation efforts. A follow up response will be provided that will address any changes in the process when the review is completed.

## **R-21-002**

The OIG completed a review of the Revolving Door determination for a former high level manager following their acceptance of employment with a Tollway vendor. The Illinois Revolving Door statute restricts former state employees from working for a state vendor for which that person made decisions as a state employee that could have financially benefited the vendor, such as awarding a contract or an extra work order, in the year preceding the hire. This review included obtaining and analyzing the available Revolving Door documentation submitted to the OEIG, accessing vendor information from Tollway databases, and interviewing relevant personnel.

Ultimately, the OEIG did not restrict the former employee's hire, and this review showed that the Tollway provided accurate information in accordance with the then-existing Revolving Door guidelines.

But the OIG identified two potential risk areas for which it made recommendations. First, the OIG noted that, effective in 2022, the Illinois Revolving Door statute added the term "fiscal administration" to the list of activities that can cause an employee to be restricted from working for a Tollway vendor, and recommended that the Tollway take steps to inform employees of this change and modify its Revolving Door responses accordingly. Second, the OIG reiterated recommendations made in OIG Case # IG-20-005 that the Tollway strengthen its internal conflict of interest policy and standardize the disclosure and determination process for Tollway employees.

### Response

The response was expected on December 28, 2021 and received on December 23, 2021. The response reported that in light of the Revolving Door amendments, The Tollway "will update policies and procedures once the ethics commission or the Auditor General has provided the new c-list to the Tollway." This statement incorrectly described the C-list process, which is developed by the Governor's office and the agency.

On March 29, 2022 the Tollway provided a comprehensive response that recognized that the Tollway creates the C-list, and identified steps it has taken to coordinate with the OEIG and the Governor's Ethics Officer to discuss and obtain guidance on the impact of the new "fiscal administration" language. The response detailed several specific actions it is taking to identify and inform employees of this new provision, and included target dates for accomplishing these tasks.

## **MANAGEMENT REFERRALS**

OIG refers matters that are most appropriately handled by Tollway management. We provide responses to several of these referrals below.

### **RF-21-161**

OIG received a Hotline call from a patron who was concerned that a Tollway vehicle was being driven erratically. The patron did not provide a name or contact number but did provide a truck number. OIG determined that the vehicle was assigned to Engineering and referred the matter.

Engineering responded that it reviewed GPS data for that vehicle and spoke with the driver and determined there was no cause to find erratic driving. Engineering could not follow up with the patron to gather more information.

### **RF-21-195**

OIG received a Hotline call from a patron who was concerned that large Tollway trucks entered the highway from the shoulder without regard for traffic. Based on the information provided by the patron, the OIG determined that the trucks were assigned to Engineering and referred the matter.

Engineering responded that it reviewed the GPS data and spoke to the drivers who indicated that they were driving in tandem and entered the lanes when they reached a safe speed, and did not observe any traffic. Engineering contacted the patron, explained the situation, and assured them that safe driving expectations are continuously emphasized for Tollway employees.



## **SUMMARY OF OTHER ACTIVITY**

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

- Provided orientation for new Board Chair and new Interim Executive Director.
- Regular engagement with Tollway stakeholders, including the Board Chair, Audit Chair, Internal Audit, Labor Relations, EEO/ADA, and Executive staff about common issues and ways to improve.
- OIG staff completed all required state and Tollway training.
- Provided feedback to Strategic Planning on Third Party Risk Management.
- Provided suggested revisions to the Tollway Policy Manual.
- Collaborated with Ethics, Internal Audit, and Legal on the Conflict Review Committee and Ethics-related initiatives.
- Published two redacted Summary Reports of Investigation.