

MINUTES OF THE COMMISSION MEETING HELD JANUARY 8, 2013

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:36 a.m., January 8, 2013 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esquire, Vice Chairman; J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Barry J. Schoch, P.E., Secretary of Transportation.

Others present for the meeting were Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer, Michael Baker, Jr., Inc.; Robert F. Brady, Director of Operations/Projects-East; William J. Capone, Director of Communications/Public Relations; Scott Fairholm, Chief Information Officer; Todd S. Garrison, Director of Maintenance; David Gentile, Chief Compliance Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Director of Fare Collection and Field Operations; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity; Stacia A. Ritter, Director of Government Affairs and Inclusion and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Deborah Carpenter, EEO/ADA Officer; John Christensen, Director of Facilities & Energy Management Operations; Renee Colborn, Manager of Media and Public Relations; Carl Defebo, Jr., Director of Public Relations & Marketing; Richard S. Dipiero, Senior Fare Collection Operations Manager; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Gina Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN Systems; Patricia Schlegel, Director of Human Resources; Justin Simmons, General Accountant 2; Alan Williamson, Senior Engineer Project Manager; Mark Compton, PennDOT; Steve Barber, Michael Baker, Jr., Inc.; Rick Welsh, Wells Fargo; Paul McNamee, KCI Technologies; G. Craig Caba; Janet Cunningham, JBC Associates, Inc.; Richard Stees, Erdman Anthony; Pasquale Dougherty, Arora and Associates, PC; Glenn Deppart, Arora and Associates, PC; Steven Bolt, Orth-Rodgers & Associates, Inc.; Eric Madden, ACEC/PA and John Fuller, McMahon Associates.

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Ms. Edmunds led the Commissioners and staff in the Pledge of Allegiance.

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The Assistant Secretary Treasurer, Ann Louise Edmunds, called the roll and declared a quorum present.

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SUNSHINE ANNOUNCEMENT

MS. EDMUNDS: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED A TRANSFER, PROMOTION, TERMINATIONS, TITLE CHANGES, VACANCIES, NEW HIRES, AND REQUESTS TO CREATE AND FILL; TO CREATE, POST AND FILL; TO POST AND FILL; AND TO ABOLOSH POSITIONS IN THE WESTERN REGIONAL OFFICE AND COMPLIANCE, PROPERTY MANAGEMENT, FARE COLLECTION, INFORMATION TECHNOLOGY, AND MAINTENANCE DEPARTMENTS.

THE COMMISSIONERS ALSO ENGAGED IN NON-DELIBERATIVE INFORMATIONAL DISCUSSIONS REGARDING VARIOUS ACTIONS AND MATTERS, WHICH HAVE BEEN APPROVED AT PREVIOUS PUBLIC MEETINGS.

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PUBLIC COMMENT

MS. EDMUNDS: THE PUBLIC IS WELCOME AT THIS TIME TO ADDRESS THE COMMISSION REGARDING ITEMS LISTED ON THE AGENDA OR OTHER ITEMS NOT LISTED ON THE AGENDA THAT ARE WITHIN THE COMMISSION'S AUTHORITY OR CONTROL.

IN ORDER TO CONDUCT AN ORDERLY, EFFICIENT, EFFECTIVE AND DIGNIFIED MEETING, ALL PERSONS WISHING TO ADDRESS THE COMMISSION SHOULD HAVE SIGNED IN AND REQUESTED TIME TO SPEAK. IF YOU HAVE NOT DONE SO, YOU ARE INVITED TO DO SO.

COMMISSIONERS, WE HAVE ONE REQUESTS TO ADDRESS THE COMMISSION. MR. CABA DISCUSSED CASH ISSUES.

AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF. STEVE BARBER, MICHAEL BAKER, JR., INC.; RICK WELSH, WELLS FARGO; PAUL MCNAMEE, KCI TECHNOLOGIES; JANET CUNNINGHAM, JBC ASSOCIATES, INC.; RICHARD STEES, ERDMAN ANTHONY; PASQUALE DOUGHERTY, ARORA AND ASSOCIATES, PC; GLENN DEPART, ARORA AND ASSOCIATES, PC; STEVEN BOLT, ORTH-RODGERS & ASSOCIATES, INC.; ERIC MADDEN, ACEC/PA AND JOHN FULLER, MCMAHON ASSOCIATES.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held December 11, 2012 be approved and filed as submitted-was made by Commissioner Lieberman, seconded by Commissioner Lincoln; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memo received from the Chief -was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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PERSONNEL

Motion-That the Commission approves the Personnel as submitted-was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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NEW BUSINESS

PAYMENTS

Motion-That the Commission approves payment for the items listed in memos "a" through "c":

- a. Reimbursement payment to HMS Host for the construction of the relocated access road to the Cumberland Valley Service Plaza necessary as part of the total reconstruction project from MP 215.00 to MP 220.00; at a total amount due of \$408,636.85;
- b. Payment of the 2012 Notice of Assessment from the Bureau of Workers' Compensation at the Department of Labor and Industry, for the Workers' Compensation Administration Fund, in the amount of \$67,698.00;
- c. Payment of the 2013 E-ZPass Interagency Group's annual assessment for our participation in the E-ZPass Interagency Group, in the amount of \$70,000.00.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements for the items listed in memos "a" through "c":

- a. Reimbursement Agreement with PECO Energy Company for the Commission to reimburse PECO the costs for the engineering and facility relocation work necessary for the replacement of Bridge NB-125 at MP A26.21; at a not-to-exceed amount of \$503,918.08;
- b. Reimbursement Agreement with PECO Energy Company for the Commission to reimburse PECO the costs for the engineering and facility relocation work necessary for the replacement of Bridge NB-134 at MP A27.67; at a not-to-exceed amount of \$339,069.43;
- c. Reimbursement Agreement with PECO Energy Company for the Commission to reimburse PECO the costs for the engineering and facility relocation work necessary for the replacement of Bridge NB-128 at MP A26.77; at a not-to-exceed amount of \$272,151.23;

-was made by Commissioner Lincoln, seconded by Commissioner Deon; Commission Pratt abstained.

VICE CHAIRMAN PRATT: CHAIRMAN, I ABSTAIN ON THIS VOTE BECAUSE THE FIRM LISTED IN THESE ITEMS IS A CLIENT OF MY FIRM.  
THE ITEMS PASSED.

Motion-That the Commission approves the negotiation and execution of the Agreement and Amendments for the items listed in memos "d" through "f":

- d. Reimbursement Agreement with Norfolk Southern Railway Company for the Commission to reimburse Norfolk Southern the costs for the engineering and facility relocation work necessary

for the replacement of Bridge WB-207 and WB-208 (MP 12.63 and MP 12.67, respectively); at a not-to-exceed amount of \$1,427,841.25;

- e. Amendment to our agreement with I.B. Abel for infrastructure cabling and communication systems, for an additional \$8,013.46 due to an unanticipated volume of work and to support an underground tank monitoring system;
- f. Amendment to our Memorandum of Understanding with the Teamsters Local #30 for first level supervisory employees.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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### RIGHT-OF-WAY REQUEST

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos “a” through “i”:

- a. Plans entitled, *Drawings for Authorizing Acquisition of Right-of-Way for State Route 0989 in Beaver County from Sta 15+50.00 to Sta 24+42.00 length 720.05 Ft., 0.136 Mi. Seg 0290, Offset 0090 to Seg 0290, Offset 0982 for Replacement of Bridge No. WB-228, Project No. T-022.60S002-4.*; as prepared by the Engineering Department for the replacement of Bridge WB-228;
- b. Acquisition of Right-of-Way #7086-B, a partial take parcel necessary for the I-95 Interchange project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$146,155.17 to City Line Abstract Company, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value is contingent upon the property owner’s delivery of a deed as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #6059-E-1, a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00, by authorizing payment of fair market value in the amount of \$5,000.00 to Historic Salem Village Homeowners’ Association; authorize the appropriate Commission officials to execute the agreement of sale and other documents that may be required for closing; approve the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value is contingent upon the property owner’s delivery of a deed as prepared by the Legal Department;
- d. Acquisition of Right-of-Way #6059-F, a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$2,022.50 to R. Lamar Kilgore; authorize the appropriate Commission officials to execute the agreement of sale and other documents that may be required for closing; approve the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value is contingent upon the property owner’s delivery of a deed as prepared by the Legal Department;

- e. Acquisition of Right-of-Way #6072-74-B, a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00, by authorizing payment of fair market value in the amount of \$1,700.00 to Tredyffrin Township Municipal Authority; authorize the appropriate Commission officials to execute the agreement of sale and other documents that may be required for closing; approve the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value is contingent upon the property owner's delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #14205-A, a total take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$482,134.77 to James Pecora, Esquire, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value is contingent upon the property owners' delivery of a deed as prepared by the Legal Department;
- g. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #12067-R1-01, a total take of the billboard structure necessary for the reconstruction of Bridge WB-228, authorize payment of estimated just compensation in the amount of \$41,500.00 payable to Babst, Calland, Escrow Agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- h. Settlement of Right-of-Way #14027-A, a partial take parcel necessary for the total reconstruction project from MP 31.00 to MP 38.00, by authorizing settlement payment of \$5,000.00 payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; upon payment of the damages, this claim will be concluded;
- i. Acquisition of Right-of-Way #3170-D, a partial take parcel necessary for the total reconstruction project from MP 199.00 to MP 227.00, by authorizing full and final payment of all general damages, special damages, delay compensation, severance damage, drainage problems, attorney's fees as well as all other possible claims including negligence, in the amount of \$90,000.00 to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and payment of damages to the property owner is contingent upon his execution of a settlement agreement and confirmatory deed as approved by the Legal Department.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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#### ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" through "h":

- a. Consultant to conduct an assessment of the Commission's current compensation practices, structure and position grading;
- b. Consultant(s) to prepare and conduct Diversity and Inclusion training;

- c. Two (2) engineering firms to perform design engineering related services systemwide;
- d. Three (3) engineering or construction management firms to perform construction inspection services for the Southern Beltway, Route 22 to I-79 project;
- e. Engineering or construction management firm to perform construction management services for the Southern Beltway, Route 22 to I-79 project;
- f. Two (2) engineering or construction management firms to perform construction inspection services between MP 247.00 and MP 358.00 and the Northeast Extension;
- g. Two (2) engineering or construction management firms to perform construction inspection services between MP 0.00 and MP 247.00 and the Western Expansion projects;
- h. Engineering or materials inspection firm to perform materials inspection services between MP 200.00 and MP 358.00 and the Northeast Extension.

-was made by Commissioner Deon, seconded by Commissioner Pratt; and passed unanimously.

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#### AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids and the Issuance of Purchase Orders for the items listed in memos "a" and "b":

- a. Gartner Advisory Services annual subscription (IT technology research and advisory services with licenses to the CIO and four IT Managers); utilizing the Commonwealth's contract with Gartner Inc.; at a total award of \$144,370.00;
- b. Fire extinguisher and recharge service (November 1, 2012-October 31, 2015); to the lowest responsive and responsible bidders:

Cintas Corporation	Regions 1, 3 & 4	\$ 99,000.00
Jones Fire Extinguisher Inc.	Region 2	<u>\$ 33,000.00</u>
TOTAL AWARD:		<u>\$132,000.00</u>

-was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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#### AWARD OF CONTRACTS

Motion- That the Commission approves the Award of Contracts and the Rejection of bids for the items listed in memos "a" through "g":

- a. Contract #T-236.00R001-3-02 for bituminous overlay between MP 236.39 and MP 241.97, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$7,579,480.85 and a contingency of \$350,000.00;

- b. Contract #A-059.00R001-3-02 for bituminous resurfacing and bridge painting between MP A58.11 and MP A68.00, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$7,562,122.09 and a contingency of \$300,000.00;
- c. Contract #T-154.42F004-3-02 for renovations of the PSP barracks at the Everett Maintenance Facility, to the lowest responsive and responsible bidder, eciConstruction, LLC; at a not-to-exceed amount of \$3,492,000.00 and a contingency of \$150,000.00;
- d. Contract #EN-00091-03-02 for concrete pavement rehabilitation and joint repairs between MP B15.39 and MP B31.12, to the lowest responsive and responsible bidder, Swank Construction Company, LLC; at a not-to-exceed amount of \$3,718,065.84 and a contingency of \$150,000.00;
- e. Reject all bids, as they exceeded the Commissions estimate, for the heat detector installation at the Lehigh Tunnel;
- f. Contract #T-242.00T002-3-04 for the replacement of Bridge EB-210 at MP 243.24, to the lowest responsive and responsible bidder, Susquehanna Valley Construction Corporation; at a not-to-exceed amount of \$5,535,832.00 and a contingency of \$250,000.00;
- g. Contract #A-095.00R002-3-02 for bituminous resurfacing between MP A95.17 and MP A105.01, to the lowest responsive and responsible bidder, Pikes Creek Site Contractors; at a not-to-exceed amount of \$9,645,795.96 and a contingency of \$450,000.00.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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#### SUPPLEMENTAL AGREEMENTS

Motion-That the Commission approves the Supplemental Agreements for the items listed in memos "a" and "b":

- a. Supplemental Agreement #7 with STV Incorporated for final design services for the total reconstruction project from MP 320.00 to MP 326.00, for an additional \$1,900,000.00 necessary to add or relocate retaining walls, add sign structures, revise landscaping plans, address a substantial amount of comments received from environmental agencies and respond to a significant amount of public comments and presentations;
- b. Supplemental Agreement #5 with Michael Baker, Jr., Inc. for design management services of the Southern Beltway (US 22 to I-79) project, for an additional \$6,243,682.00 to manage the final design phase of the project.

-was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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#### CHANGE ORDERS/FINAL PAYMENTS

Motion-That the Commission approves the Change Orders/Final Payments for the items listed in memos "a" through "f":

- a. Change Order #3 and Final Payment for Contract #T-292.00R001-3-02 with Reading Site Contractors for bituminous overlay between MP 292.00 and MP 299.30, for a decrease of \$112,917.10 for normal quantity adjustments to balance items to actual work completed and repairing the roadway; for a final contract value of \$7,850,917.50 and final amount due to the contractor of \$596,664.01;
- b. Change Order #2 and Final Payment for Contract #EN-00105-03-09 with Russell Standard Corporation for shoulder sealing from MP 75.94-93.98 and MP 108.95-121.83, for a decrease of \$279,685.49 for normal quantity adjustments to balance items to actual work completed; for a final contract value of \$1,388,522.01 and final amount due to the contractor of \$113,749.38;
- c. Change Order #3 and Final Payment for Contract #EN-00027-03-02 with William Orr and Sons, Inc. for sign installation between MP 0.00 and MP 245.75, for a decrease of \$305,785.86 for normal quantity adjustments to balance items to actual work completed; for a final contract value of \$2,194,214.14 and final amount due to the contractor of \$43,884.28;
- d. Change Order #2 and Final Payment for Contract #T-075.20S001-3-02 with Mosites Construction Company for painting of Bridge B-472 at MP 75.20 for an additional \$12,191.00 for normal quantity adjustments to balance items to actual work completed and additional MPT for pier painting; for a final contract value of \$627,849.00 and final amount due to the contractor of \$44,142.40;
- e. Change Order #3 and Final Payment for Contract #EN-00027-03-03 with William Orr and Sons, Inc. for sign installation from MP 245.75-MP 359.00 and MP A20.00-A131.00; for a decrease of \$548,778.47 for normal quantity adjustments to balance items to actual work completed; for a final contract value of \$251,221.53 and final amount due to the contractor of \$100,119.005;
- f. Change Order #3 and Final Payment for Contract #T-187.00R001-3-02 with Highway Materials, Inc. for bituminous overlay from MP 187.80-191.52 and shoulder and median sealing from MP 187.30-196.80; for a decrease of \$294,906.86 for normal quantity adjustments to balance items to actual work completed, additional changes for temporary paving ramps, pavement markers and lane rental fees; for a final contract value of \$2,953,163.60 and final amount due to the contractor of \$251,120.83.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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### POLICY LETTERS

Motion-That the Commission adopts the revision of a Policy Letter and a new Policy Letter for the items listed in memos "a" and "b":

- a. Revision to Policy Letter 1.1, Administration of the PTC Policies and the Process for Reviewing, Adopting and Maintaining Pennsylvania Turnpike Commission Policies Manual, to reassign the responsibility to the Chief Operating Officer;



- b. New Policy Letter 7.10, Business Supplier Diversity and Contract Compliance, that outlines the Commission's directive to promote Equal Opportunity, Nondiscrimination, and competition in all Procurements through effective outreach, promotion, compliance monitoring, and reviews.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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### PSPC AWARDS

Motion-That the Commission approves the award of services and authorizes the negotiation and execution of an agreement with the selected firm listed for the items in memos "a" through "c":

- a. Ref #3-243. Engineering firm to provide technical construction consultation and design services for Intelligent Transportation Systems (ITS); at a not-to-exceed amount of \$900,000.00 and a term of 4-years:

- Gannett Fleming, Inc.-AWARDED
- McMahon Associates, Inc.

-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

- b. Ref #3-237. Systemwide transportation planning; at a not-to-exceed amount of \$3,000.00.00 and a term of 4-years with one 2-year extension option:

- McCormick Taylor, Inc.-AWARDED
- Gannett Fleming, Inc.

-was made by Commissioner Deon, seconded by Commissioner Lincoln; Commissioner Schoch abstained.

COMMISSIONER SCHOCH: MR CHAIRMAN, I ABSTAIN ON THIS VOTE DUE TO A PAST RELATIONSHIP WITH ONE OF THE VENDORS.

The motion passed.

- c. Ref #1-164. Engineering firm to provide preliminary and final design services for the replacement of Bridge WB-224B at MP 20.47; at a not-to-exceed amount of \$2,000,000.00 and a term of 4-years:

- Sucevic, Piccolomini & Kuchar-AWARDED
- SAI Consulting Engineers, Inc.
- CHA Consulting, Inc.

-was made by Commissioner Lieberman, seconded by Commissioner Deon; and passed unanimously.

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### ITEMS ADDED TO THE FORMAL AGENDA

### AGREEMENT

Motion-That the Commission approves the negotiation and execution of an amendment to our agreement with Duquesne Light Co. for utility relocation work necessary for the total reconstruction project from MP 40-48, to clarify additional costs and damages and to extend the time frame in which reimbursement will be made to the Commission-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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ADVERTISING

Motion-That the Commissioner approves advertising for worker's compensation claims audit consulting services-was made by Commissioner Deon, seconded by Commissioner Lieberman; and passed unanimously.

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AUDITING SERVICES

Motion-That the Commission authorizes the creation of a supplemental auditing services professional pool; approve the list of firms for the professional pool; and selection in accordance with procedures as approved by the audit committee-was made by Commissioner Lincoln, seconded by Commissioner Pratt; Commissioner Lieberman abstained.

CHAIRMAN: I ABSTAIN ON THE BASIS THAT I HAVE A BUSINESS RELATIONSHIP WITH ONE OF THE FIRMS LISTED.

The motion passed.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, January 29, 2013 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 11:58 a.m. -was made by Commissioner Lieberman, seconded by Commissioner Lincoln; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

01-08-2013

APPROVED BY:

J. William Lincoln  
Secretary Treasurer

ATTACHMENT NUMBER 1  
COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL