

MINUTES OF THE COMMISSION MEETING HELD JANUARY 29, 2013

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 11:44 a.m., January 29, 2013 at the Central Office located in Highspire, Pennsylvania. Available via the phone for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esquire, Vice Chairman; J. William Lincoln, Secretary Treasurer and Pasquale T. Deon, Sr., Commissioner.

Present for the meeting were Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer, Michael Baker, Jr., Inc.; 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; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Susan Carson-Casoni, Cash Manager; John Christensen, Director of Facilities & Energy Management Operations; Carl Defebo, Jr., Director of Public Relations & Marketing; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Wanda Metzger, Contracts Supervisor; Gina Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN Systems; Mark Compton and Paul McNamee, KCI Technologies.

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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 DEPARTMENT REORGANIZATION, THE SUMMER PROGRAM, RECLASSIFICATIONS, EQUITY ADJUSTMENTS, VACANCIES, NEW HIRES, AND REQUESTS TO ABOLISH; TO CREATE AND FILL; AND TO POST AND FILL POSITIONS IN THE LEGAL, MAINTNEANCE, HUMAN RESOURCES, COMPLIANCE, AND FINANCE AND ADMINISTRATION DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED Wallace et al. v. PTC, Docket No. GD 11-006681 and Robert Gothier, Jr. d/b/a/ Trebor Mobile Home Park, AND 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: PAUL MCNAMEE, KCI TECHNOLOGIES

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held January 8, 2013 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Pratt; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memo received from the Chief Counsel and the Manager of Strategic Sourcing and Asset Management-was made by Commissioner Deon, seconded by Commissioner Pratt; and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS

PAYMENTS

Motion-That the Commission approves Reimbursement payment to the E-ZPass Interagency Group (IAG) for expenses incurred in supporting the backup Virtual Private Network (VPN) and Managed Frame Relay Service connections, from July through December 2012, in the amount of \$5,226.93-was made by Commissioner Deon, seconded by Commissioner Pratt; and passed unanimously.

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements, a Supplemental Agreement and Amendments for the items listed in memos “a” through “g”:

- a. Agreement with GAI Consultants, Inc. for design review services on PennDOT’s behalf on Commission projects in PennDOT District 11-0; at a not-to-exceed amount of \$250,000.00;
- b. Settlement Agreement and Release in the case of John M. and Christine J. Wallace v. Pennsylvania Turnpike Commission; and authorize payment in the settlement amount;
- c. Supplemental Agreement with Somerset Borough for the engineering and facility work for the relocation of their water and sewer lines necessary for the Somerset Interchange approach roadway reconstruction project; for an additional \$11,753.54 to design and lower an additional 40’ section of 10” water line;
- d. Agreement with Telvent USA, LLC to supply integration upgrades to the existing ITS ATMS (Advanced Transportation Management System); at a not-to-exceed amount of \$284,006.00;
- e. Amendment to our agreement with Phoenix Capital Advisors for swap advisory services, to exercise our option to renew the agreement for an additional six months (until August 31, 2013);
- f. Amendment to our agreement with Avalon Insurance for stop loss coverage, to exercise our option to renew the agreement through December 31, 2013;
- g. Mutual Release settling all back rent and interest due on Commission property rented by Robert V. Gothier, Jr., d/b/a Trebor Mobile Home Park, and approve settlement payment of \$15,346.66 in back rent and interest owed.

-was made by Commissioner Deon, seconded by Commissioner Pratt; 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 “e”:

- a. Agreement with GAI Consultants, Inc. for design review services on PennDOT’s behalf on Commission projects in PennDOT District 11-0; at a not-to-exceed amount of \$250,000.00;
- b. Settlement Agreement and Release in the case of *John M. and Christine J. Wallace v. Pennsylvania Turnpike Commission*; and authorize payment in the settlement amount;
- c. Supplemental Agreement with Somerset Borough for the engineering and facility work for the relocation of their water and sewer lines necessary for the Somerset Interchange approach roadway reconstruction project; for an additional \$11,753.54 to design and lower an additional 40’ section of 10” water line;
- d. Agreement with Telvent USA, LLC to supply integration upgrades to the existing ITS ATMS (Advanced Transportation Management System); at a not-to-exceed amount of \$284,006.00;

- e. Amendment to our agreement with Phoenix Capital Advisors for swap advisory services, to exercise our option to renew the agreement for an additional six months (until August 31, 2013);
- f. Amendment to our agreement with Avalon Insurance for stop loss coverage, to exercise our option to renew the agreement through December 31, 2013;
- g. Mutual Release settling all back rent and interest due on Commission property rented by Robert V. Gothier, Jr., d/b/a Trebor Mobile Home Park, and approve settlement payment of \$15,346.66 in back rent and interest owed.

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

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ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos “a” through “c”:

- a. Dynamic message signs systemwide (DMS);
- b. Two (2) engineering firms to provide traffic engineering services systemwide;
- c. Firm to assist with our Accounts Receivable collection processes.

-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” through “F”:

- a. VOIP (Voice Over Internet Protocol) phone system upgrade and disaster recovery equipment and service, utilizing the Commonwealth’s contract with ePlus; at a total award of \$494,134.42;
- b. Infrastructure cabling from Valley Forge Interchange to ERO; to the lowest responsive and responsible bidder, Henkels & McCoy, Inc.; at a total award of \$144,533.34;
- c. Automatic External Defibrillator (AED) lease, training and service, exercising our option to renew the agreement for an additional two years (February 2013-February 2015) with Cardiac Science Corporation; at an additional cost of \$55,505.00;
- d. Janitorial supplies; exercising our option to renew the agreements for an additional year (January 1, 2013-December 31, 2013):

Xpedex	\$174,000.00
Grainger	66,500.00
PIBH	4,000.00
All American Poly	<u>45,000.00</u>
ADDITIONAL COST	\$289,500.00

- e. Toll ticket paper rolls (double-sided thermal), exercising our option to renew the agreement for an additional year (February 1, 2013-January 31, 2014) with MAX International; at an additional cost of \$480,000.00;
- f. Facility control system preventative maintenance and repair, to Siemens Industry, Inc.; at a total award of \$487,830.00.

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

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#### AWARD OF CONTRACTS

Motion- That the Commission approves the Award of a Contract for the item listed in memo "a":

- a. Contract #T-306.00R001-3-02 for pavement patching and micro surfacing between MP 306.40 and MP 319.32; to the lowest responsive and responsible bidder, Allan A. Myers, LP; at a not-to-exceed amount of \$8,237,690.20 and a contingency of \$350,000.00; the project includes an incentive of \$2,900,000.00 if all work is completed by the end of 2013;

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

VICE CHAIRMAN PRATT: MR CHAIRMAN, I ABSTAIN ON THIS ITEM BECAUSE THE VENDOR IS A CLIENT OF MY FIRM.

The motion passed.

Motion- That the Commission approves the Award of a Contract for the item listed in memo "e":

- e. Contract #EN-00118-03-05 for roadway and miscellaneous repairs between MP 0.00 and MP 75.39, Toll I-376, Turnpike 66 and Turnpike 43, to the lowest responsive and responsible bidder, Lindy Paving, Inc.; at a not-to-exceed amount of \$2,000,000.00;

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

CHAIRMAN LIEBERMAN: I ABSTAIN ON THIS ITEM BECAUSE THE VENDOR IS A CLIENT OF MY FIRM.

The motion passed.

Motion-That the Commission approves the Award of Contracts for the items listed in memos "b, c, d, f, g and h":

- b. Contract #EN-00118-03-02 for roadway and miscellaneous repairs between MP 75.39 and MP 179.44, to the lowest responsive and responsible bidder, New Enterprise Stone and Lime Co., Inc.; at a not-to-exceed amount of \$2,000,000.00;
- c. Contract #EN-00118-03-03 for roadway and miscellaneous repairs between MP 241.87 and MP 298.33, to the lowest responsive and responsible bidder, Hempt Bros., Inc.; at a not-to-exceed amount of \$2,000,000.00;
- d. Contract #EN-00118-03-04 for roadway and miscellaneous repairs between MP A20.00 and MP A130.30, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$3,000,000.00;

- f. Contract #EN-00118-03-06 for roadway and miscellaneous repairs between MP 179.44 and MP 241.87, to the lowest responsive and responsible bidder, New Enterprise Stone and Lime Co., Inc.; at a not-to-exceed amount of \$2,000,000.00;
- g. Contract #EN-00118-03-07 for roadway and miscellaneous repairs between MP 298.33 and MP 358.11, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$3,000,000.00;
- h. Contract #A-087.00P001-3-03 for construction of an All Electronic Interchange at MP A87.07, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$22,451,901.96 and a contingency of \$1,000,000.00.

-was made by Commissioner Deon, seconded by Commissioner Pratt; 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 #1 with HDR Engineering, Inc. for design review services on Turnpike projects within PennDOT's District 11-0, for an additional \$30,000.00 necessary to complete the design reviews of the remaining projects on the District's behalf since PennDOT's District 11-0 does not have the resources to perform the design reviews in time to meet the Commission's schedule;
- b. Supplemental Agreement #1 with Michael Baker, Jr., Inc. for general consultant engineering services, for an additional \$690,000.00 necessary to provide continued service for various aspects of our operations and management of our Capital Plan.

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

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#### CHANGE ORDERS/FINAL PAYMENTS

Motion-That the Commission approves the Change Order for the item listed in memo "a":

- a. Change Order #5 for Contract #T-319.30P001-3-02 with Allan A. Myers, LP for construction of the SR 29 Interchange project, for a 25-day time extension for additional verification testing due to the addition of "weigh in motion" scaling;

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

VICE CHAIRMAN PRATT: MR CHAIRMAN, I ABSTAIN ON THIS ITEM BECAUSE THE VENDOR IS A CLIENT OF MY FIRM.

The motion passed.

Motion-That the Commission approves the Change Orders, Change Orders/Final Payments and Final Payments for the items listed in memos "b" through "i":

- b. Change Order #3 and Final Payment for Contract #A-094.59R001-3-02 with Pikes Creek Site Contractors for Pocono Interchange Ramp D widening at MP A94.59, for an additional \$18,167.13 necessary for normal quantity adjustments to balance items to actual work completed; for a final contract value of \$1,314,723.07 and final amount due to the contractor of \$86,723.14;
- c. Change Order #8 and Final Payment for Contract #A-078.00R001-3-02 with Pikes Creek Site Contractors for bituminous resurfacing and median barrier between MP A77.99 and MP A88.52, for a decrease of \$1,090,989.07 necessary for normal quantity adjustments to balance items to actual work completed, additional changes for erosion and sedimentation control, drainage, slab stabilization, bridge repairs and deck patching; for a final contract value of \$12,917,212.58 and final amount due to the contractor of \$317,254.61;
- d. Change Order #2 and Final Payment for Contract #T-102.00R001-3-02 with New Enterprise Stone and Lime, Inc., for a decrease of \$349,539.26 necessary for normal quantity adjustments to balance items to actual work completed, additional costs necessary for mobilization, milling, MPT and emergency patrolling; for a final contract value of \$5,644,264.74 and final amount due to the contractor of \$194,487.44;
- e. Final Payment for Contract #T-247.38F005-3-05 with Shannon A. Smith, Inc. for HVAC work at the traffic operations center at the TIP building; for a final contract value of \$335,830.72 and final amount due to the contractor of \$16,791.54;
- f. Change Order #3 and Final Payment for Contract #T-319.00T001-3-03 with G.A. & F.C. Wagman, Inc. for the replacement of Bridge EB-735 at MP 322.51, for a decrease of \$25,636.32 necessary for normal quantity adjustments to balance items to actual work completed; for a final contract value of \$3,955,157.18 and final amount due to the contractor of \$41,426.32;
- g. Change Order #1 and Final Payment for Contract #T-161.43S001-3-02 with Gregori Construction & Engineering, Inc. for the rehabilitation of Bridge B-543A at MP 161.43, for an additional \$1,804.75 necessary for normal quantity adjustments to balance items to actual work completed and painting to repaired parts of the beams to match existing paint; for a final contract value of \$674,080.75 and final amount due to the contractor of \$51,722.53;
- h. Change Order #1 and Final Payment for Contract #T-135.30S001-3-02 with Mosites Construction Company for the painting of Bridge B-491 at MP 135.30, for an additional \$45,746.00 necessary for normal quantity adjustments to balance items to actual work completed; for a final contract value of \$441,918.00 and final amount due to the contractor of \$79,104.45;
- i. Change Order #1 for Contract #T-149.50T002-3-03 with New Enterprise Stone and Lime Co., Inc. for the replacement of Bridge B-552 at MP 153.06, for a decrease of \$1,533,372.80 for an estimated Value Engineering Change that eliminates the replace of Bridge B-552 with the construction of an access gate at MP 154.00 WB; and authorize the negotiation and execution of a Memorandum of Understanding between NESL and the Commission regarding same.

-was made by Commissioner Deon, seconded by Commissioner Lincoln; 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" and "b":

- a. RFP #3554. Legal matter management/eBilling software system:
- LT Online Corporation-AWARDED
  - Legal Files Software, Inc.

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

- b. Ref #4-089. Engineering or construction management firm for construction management services for the roadway and bridge widening and reconstruction project from MP 312.00 to MP 326.00:
- Hill International, Inc.-AWARDED
  - Urban Engineers, Inc.
  - JBC Associates, Inc.

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

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be a telephone meeting on Wednesday, February 20, 2013 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 11:54 a.m.  
-was made by Commissioner Deon, seconded by Commissioner Pratt; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

01-29-2013

APPROVED BY:

J. William Lincoln  
Secretary Treasurer



ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL AND  
MANAGER OF STRATEGIC SOURCING AND ASSET MANAGEMENT