

MINUTES OF THE COMMISSION MEETING HELD FEBRUARY 1, 2021

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 1:25 p.m. on Monday, February 1, 2021 at the Central Office located in Highspire, Pennsylvania. Available via telephone for the meeting were Yassmin Gramian, P.E., Chair; William K. Lieberman, Vice Chair; Pasquale T. Deon, Sr., Commissioner; Wadud Ahmad, Commissioner; and John Wozniak, Secretary Treasurer.

Available for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Bradley J. Heigel, P.E., Chief Engineer (via telephone); Carl DeFebo, Jr., Director of Public Relations & Marketing (via telephone); Charles Duncan III, Esquire, Chief Compliance, Legis. & Cultural Affairs (via telephone); Doreen McCall, Chief Counsel (via telephone); Myneca Ojo, Director of Diversity and Inclusion (via telephone); Ray Morrow, Chief Compliance Officer (via telephone); Robert Brady, Director of Operations/Projects-East (via telephone); Robert Taylor, Chief Technology Officer (via telephone); Stacia Ritter, Asst. Chief Operating Officer/Toll Collection (via telephone); and Ann Louise Edwards, Assistant Secretary Treasurer (via telephone).

Others available via telephone were Don Klingensmith, Asst. Chief Fin. Officer for Financial Administration; Gina Murray, Senior Procurement Specialist; Jeff Naugle, Manager of Treasury Operations; Jesse Ream, Communication Systems Program Manager; Kelly Horvath, Executive Administrative Assistant; Shawn Laudenslager, End User Support Supervisor (in person); Dan Laird, Hill Intl.; Dan O'Brien, RBC Capital Markets; David Lowdermilk, WSP; Don Killmeyer, ms consultants; Ed Blazina, Pittsburgh Post-Gazette; Ed Reese, GPD Group; Eric Epstein, Rock the Capital; Eric Madden, JMT; George Settelmaier, KSE; Jim Brady, STV; Joe Platt, TPD; Joe Romano, LDG; John H. Smith, Navarro & Wright; Jon Livingston, Jacobs; Joseph DiFiore, Wallace Pancher Group; J.T. Lincoln, GAI; Justin Gibbons, Quality Engineering; Karen Gabel, Erdman Anthony; Lou Cortelazzi, McMahon Associates; Michael Phillips, Navarro & Wright; Mike Houser, Markosky; Pete Capizzi, Quality Engineering; Rachel Perrego, Susquehanna Civil; Samantha Osbourne, Virtus; and Steve Barber, Michael Baker.



Chair Gramian led the Commissioners, staff and visitors in the Pledge of Allegiance.

The Assistant Secretary Treasurer, Ann Louise Edwards, called the roll and declared a quorum available. Mrs. Edwards welcomed the Commissioners, employees and guests on the WebEx and made the following statement:

Due to COVID-19, the Pennsylvania Turnpike Commission Administration Building remains closed to visitors. Accordingly, the Commission Meetings will be held via telephone (through June 2020 or until further notice). The Commission will continue to post call-in/WebEx information for those who wish to attend the meeting via telephone/WebEx. WebEx information should be posted at least 48 hours in advance of the meeting. The Commission will continue to closely monitor the CDC's and other government websites for up-to-date information regarding COVID-19, risk assessment and guidance to business. This meeting is being recorded and the Commission will post the recording on its website.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included a promotion, reclassification, vacancies, and a request to reclassify and fill a position in the IT Department.

The Commissioners also discussed Docket No. 2020-0186 and engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Mrs. Edwards: The public is welcome 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 and effective meeting, all persons wishing to address the Commission should have requested time to speak at least 48 hours in advance of this meeting.

The Commission recognized Eric Epstein. Mr. Epstein asked the Commission to reject a January 19th agenda item regarding the Commission's approval of amendments, termination, extension, restructuring or novation of the Commission's existing financial documents, and replace the action with a more accountable and stricter authorization protocol; Mr. Epstein suggested that the Commission should designate the fees, expenses and terms for the payees, and include language for the submittal and review of Conflict of Interest Disclosure statements for all payees. He also opposed the Commission's amendment with Mohanty Gargiulo for SWAP advisory services. Mr. Epstein suggested that the Commission establish a maximum present value cost; and requested the postponement of this action.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held January 19, 2021 be approved and filed as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

Motion-That the Commission approve the memo received from the Chief Counsel-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PERSONNEL

Motion-That the Commission approves personnel as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



UNFINISHED BUSINESS

No Unfinished Business to consider.



APPRAISAL SERVICES

Motion – That the Commission approve amending the pool of qualified professionals for appraisal services for real estate, and for machinery, equipment and inventory to include Sammartino, Stout & Lo Presti -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



AGREEMENTS

Motion-That the Commission approve the negotiation and execution of the Agreements and an Amendment for the items listed in memos “a” through “f”:

- a. Supplemental Reimbursement Agreements with West Penn Power (WPP) for the Commission to reimburse WPP for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55A-2, for an increase of \$315,505.41 to utilize a subcontractor for the relocation work to keep the project on schedule; for a revised not-to-exceed amount of \$644,002.41;
- b. Settlement Agreement and Release with Tyler Fochtman; and authorize payment of the settled amount and authorize the appropriate officials to execute the necessary documents;

- c. Supplemental Reimbursement Agreement with West Penn Power (WPP) for the Commission to reimburse WPP for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55C2-1, for an increase of \$58,830.84 to utilize a subcontractor for the relocation work to keep the project on schedule; for a revised not-to-exceed amount of \$83,830.84;
- d. Interagency Agreement with the Ohio Turnpike and Infrastructure Commission (OTIC) for the Commission's coordinated efforts to set long-term stationary work zones and perform work within the Commission's right-of-way for the upgrading and modernizing of OTIC's toll collection system, including road construction to PTC MP 0.73; and authorize the appropriate Commission officials to execute the necessary documents with final plans approved by the Commission's Engineering and Traffic Engineering departments;
- e. Amendment to our agreement with Mohanty Gargiulo for Swap Advisory services, exercising the option to renew the agreement for an additional year, at a cost of \$125,000.00 plus \$22,000.00 per transaction;
- f. Agreement of Consent with the U.S. Environmental Protection Agency (EPA) regarding the Federal Clean Water Act as reviewed and approved by the Legal Department; and authorize the Engineering Department to implement the Compliance Managed Plan as required by the Agreement of Consent.

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



RIGHT-OF-WAY REQUEST

Motion-That the Commission approve the Right-of-Way Requests for the items listed in memos "a" through "e":

- a. Acquisition of Right-of-Way #6543-B (Glenn S. & Jennifer L. Jaslar), a partial take parcel necessary for the total reconstruction from MP A38.00 to MP A44.00 by authorizing payment of \$6,394.50 representing fair market value and pro-rated taxes to Glenn S. and Jennifer L. Jaslar; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by Chief Counsel; and payment of the fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- b. Acquisition of Right-of-Way #6543-A (Gregory C. & Cheryl E. Fuhrman), a partial take parcel necessary for the total reconstruction from MP A38.00 to MP A44.00 by authorizing payment of \$5,176.50 representing fair market value and pro-rated taxes to Gregory C. & Cheryl E. Fuhrman; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by Chief Counsel; and

payment of the fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;

- c. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S051 (United States Steel Corp), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$337,100.00 to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- d. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S603 (United States Steel Corp), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$2,438,100.00 to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- e. Acquisition of Right-of-Way #14S398 (Richard C. Smith & Tamara R. Ohler Smith), a partial take parcel necessary for construction of the Mon/Fayette Expressway by authorizing payment of \$1,300.00 representing fair market value to Richard C. Smith and Tamara R. Ohler Smith; authorize the appropriate Commission officials to execute the Temporary Construction Easement and other documents that may be required for closing; authorize 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 to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department.

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



ADVERTISING

Motion – That the Commission approve advertising for Construction Management services for the I-95/I-276 Interchange, Phase 2 Sections C, D30 and E -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion – That the Commission approve the Issuance of Purchase Orders for the items listed in memos “a” and “b”:

- a. OnBase Document Management Platform software maintenance and support with KeyMark IMR, Inc., exercising the option to renew the agreement for an additional year (February 2021 – January 2022), at a cost of \$94,995.00;
- b. Data Capable subscription with Data Capable, Inc., exercising the option to renew the agreement for an additional year (November 27, 2020 – November 26, 2021), at a cost of \$95,801.22.

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



AWARD OF CONTRACT

Motion – That the Commission approve the Award of Contracts for the items listed in memos “a” through “f”:

- a. Contract #EN-00277-03-02 for roadway and miscellaneous repairs for Toll I-376, Turnpike 43, Turnpike 576 and Turnpike 66, to the lowest responsive and responsible bidder, Eurovia Atlantic Coast, LLC; at a not-to-exceed amount of \$3,000,000.00;
- b. Contract #EN-00277-03-04 for roadway and miscellaneous repairs between MP 122.00 and MP 201.58, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$6,000,000.00;
- c. Contract #EN-00277-03-06 for roadway and miscellaneous repairs between MP 299.98 and MP 356.42, MP H40.83 and H43.44 and MP A20.00 and MP A31.34, to the lowest responsive and responsible bidder, J.D. Eckman, Inc.; at a not-to-exceed amount of \$5,000,000.00;
- d. Contract #EN-00277-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.00, to the lowest responsive and responsible bidder, Eurovia Atlantic Coast, LLC; at a not-to-exceed amount of \$5,000,000.00;
- e. Contract #EN-00277-03-05 for roadway and miscellaneous repairs between MP 201.58 and MP 299.98, to the lowest responsive and responsible bidder, J.D. Eckman, Inc.; at a not-to-exceed amount of \$3,000,000.00;
- f. Contract #EN-00277-03-07 for roadway and miscellaneous repairs between MP A31.34 and MP A130.64, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$4,500,000.00.

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



CHANGE ORDERS

Motion- That the Commission approve the Change Orders and Final Payment for the items listed in memos “a” through “c”:

- a. Change Order #1 and Final Payment for Contract #EN-00233-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.18 with Eurovia Atlantic Coast, LLC, for a decrease of \$2,337,889.04 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,662,110.96 and final amount due to the contractor of \$133,105.55;

- b. Change Order #1 for Contract #S-006.00X002-3-16 for plumbing work at the Southern Beltway maintenance facility with Wayne Crouse, Inc., for an increase of \$205,962.73 for COVID-19 shutdown costs and a 168-day time extension; for a revised not-to-exceed amount of \$3,631,389.75;
- c. Change Order #3 for Contract #A-099.00S001-3-02 for the rehabilitation of eight structures between MP A105.00 and MP A119.53 with Nyleve Bridge Corp., for an increase of \$103,423.60 for COVID-19 shutdown costs and a 36-day time extension; for a revised not-to-exceed amount of \$4,674,051.71.

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



SUPPLEMENTAL AGREEMENTS

Motion – That the Commission approve the negotiation and execution of the Supplemental Agreements for the items listed in memos “a” through “d”:

- a. Supplemental Agreement #5 with Urban Engineers, Inc. for construction management of the I-95/I-276 Interchange project for an increase of \$9,996,350.97 for Stage 2, Section A pre-construction and construction management work, and construction management work for the Route 13 Connector and New Falls Road Bridge; for a revised not-to-exceed amount of \$40,147,694.28;
- b. Supplemental Agreement #1 with TRC Engineers, Inc. for open-end drilling East for an increase of \$200,000.00 for stop-gap funding to maintain the Commission’s ability to obtain drilling services until the next open-end drilling services contracts are prepared and executed; for a revised not-to-exceed amount of \$1,100,000.00;
- c. Supplemental Agreement #1 with Navarro & Wright Consulting Engineers, Inc. for open-end drilling East for an increase of \$200,000.00 for stop-gap funding to maintain the Commission’s ability to obtain drilling services until the next open-end drilling services contracts are prepared and executed; for a revised not-to-exceed amount of \$1,100,000.00;
- d. Supplemental Agreement #12 with STV Inc. for final design of the total reconstruction project from MP 320.00 to MP 326.00 for an increase of \$2,000,000.00 to complete the final design for the MP 324.00 to MP 326.00 reconstruction project; for a revised not-to-exceed amount of \$45,100,000.00.

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



AWARD OF SERVICES

Motion – That the Commission approve the award of services and authorize the negotiation and execution of an agreement with the selected firm for the items listed in memos “a” through “b”:

- a. T00164, municipal separate storm sewer system permit; the highly recommended firms in alphabetical order:

- Skelly and Loy, Inc. – AWARDED

-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously. The Commission has selected firm Skelly and Loy, Inc. for award based on the Commission’s determination that it has strong experience with the GIS mapping, asset inventory and database management, is a PA-based firm and Skelly and Loy, Inc. has resources across the state.

- b. T00165, construction technical and management services systemwide; the highly recommended firms in alphabetical order:

- Quality Engineering Solutions, Inc. - AWARDED
- Navarro & Wright Consulting Engineers, Inc.

-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously. The Commission has selected firm Quality Engineering Solutions, Inc. for award based on the Commission’s determination that it has significant construction services experience with PTC and PennDOT and is performing well on its current technical services contract with the PTC. Quality Engineering Solutions, Inc. proposed staff are in close proximity to respective assignments and areas of coverage. Quality Engineering Solutions, Inc. is a Pennsylvania-based women-owned firm, and the Commission is committed to doing business with DB firms.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, February 16, 2021 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 1:40 p.m.-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

John Wozniak
Secretary Treasurer