

MINUTES OF THE COMMISSION MEETING HELD MARCH 19, 2012

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:20 a.m., March 19, 2012 at the Central Office located in Highspire, Pennsylvania. Present for the meeting was A. Michael Pratt, Esq., Vice Chairman. Available via phone were William K. Lieberman, 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 Roger E. Nutt, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Robert F. Brady, Director of Operations/Projects-East; William J. Capone, Chief of Communications and Public Relations; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Nikolaus Grieshaber, Chief Financial Officer; Jeffrey L. Hess, Director of Operations/Projects-West; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel 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 FEMO; Kelly Horvath, Executive Assistant; Jeffrey A. Naugle, Manager of Treasury Operations; Bryan Schmitt, Risk Manager; Captain Kathy-Jo Winterbottom; PSP; Dean Kohr, Atkins and Eric Madden, ACGC/PA.

\*

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

\*

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

\*

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 TERMINATION, AN EQUITY ADJUSTMENT, PROMOTIONS, NEW HIRES, VACANCIES, AND A REQUEST TO RECLASSIFY AND TO POST AND FILL A POSITION IN THE HUMAN RESOURCE DEPARTMENT.

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

\*

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 NO REQUESTS TO ADDRESS THE COMMISSION. AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF.

DEAN KOHR, ATKINS

ERIC MADDEN, ACGC/PA

\*

MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held March 6, 2012 be approved and filed as amended-was made by Commissioner Schoch seconded by Commissioner Lincoln; and passed unanimously.

\*

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 Schoch, seconded by Commissioner Lincoln; and passed unanimously.

\*

PERSONNEL

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

\*

NEW BUSINESS

FARE SCHEDULE FOR M19, M22 & M26

Motion-That the Commission adopts the proposed fare schedules for M19, M22 and M26 as follows:

- M19 toll rates will be adjusted to be consistent with M52 when the remaining portion of Uniontown to Brownsville, Phase 2 is opened;
- M22 and M26 will be consistent with other ramp collection points on Turnpike 43.

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

\*

AGREEMENTS

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

- a. Amendment to our agreement with IBM for disaster recovery services, to extend the terms of the agreement for an addition 6 months, at an additional not-to-exceed amount of \$72,456.00;
- b. Agreement with Upper Gwynedd Township Fire Department to provide fire/rescue service from MP A23.60 to MP A31.00 southbound;
- c. Accept the February 22, 2012 proposal from McTish, Kunkel & Associates, Inc. for construction inspection and project management of the roadway and bridge reconstruction project from MP 99.00 to MP 109.00; and execute an agreement for a not-to-exceed amount of \$16,797,139.44;
- d. Reimbursement Agreement with Penn Power for the Commission to reimburse Penn Power the cost associated with the required engineering and facility relocation work necessary for the replacement of Bridges WB-207 and WB-208; at a not-to-exceed amount of \$91,779.00;
- e. Reimbursement Agreement with Verizon, Inc. for the Commission to reimburse Verizon the cost associated with the required engineering and facility relocation work necessary for the replacement of Bridges WB-207 and WB-208; at a not-to-exceed amount of \$40,477.00;

-was made by Commissioner Schoch; and seconded by Commissioner Lincoln;

Motion-That the Commission approves the Amendment for the item listed in memo “f”:

- f. Amendment to our agreement with Penn State University for a Phase 1 Feasibility Study for the utilization of Liquid Natural Gas (LNG) on the Turnpike for commercial vehicles; at an additional not-to-exceed amount of \$150,000.00.

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

VICE CHAIRMAN PRATT: MR. CHAIRMAN: I ABSTAIN ON THE BASIS THAT THE COMPANY SET FORTH IN THESE AGENDA ITEMS IS A CLIENT OF THE FIRM OF WHICH I AM A PARTNER. I ASK THAT THE SECRETARY PLEASE HAVE THE MINUTES OF THE MEETING REFLECT MY ABSTENTION ON THIS VOTE.

The motions passed.

\*

RIGHT-OF-WAY REQUEST

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

- a. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #12035-J-1, a total take parcel necessary for the Beaver River Bridge replacement project; authorize payment of

- the Estimated Just Compensation in the amount of \$8,000.00 payable to Babst Calland, Escrow Agent; and authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer;
- b. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #12035-F-1, a total take parcel necessary for the Beaver River Bridge replacement project; authorize payment of the Estimated Just Compensation in the amount of \$6,000.00 payable to Babst Calland, Escrow Agent; and authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer;
  - c. Authorize the acquisition of Right-of-Way #14213-a, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; by issuing payment in the amount of \$10,500.00, payable to Concordia Lutheran Ministries of Pittsburgh; representing fair market value; authorize the appropriate Commission officials to execute the agreement of sale and other documents necessary for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
  - d. Authorize the acquisition of Right-of-Way #6498-C, a partial take parcel, necessary for the replacement of Bridges NB-150 & NB-152; by issuing payment in the amount of \$1,577.50, payable to Renaissance Home Solutions, LLC; representing fair market value and pro-rated taxes; authorize the appropriate Commission officials to execute the agreement of sale and other documents necessary for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
  - e. Authorize settlement of Right-of-Way #6066-C, a total take parcel, necessary for the total reconstruction project from MP 320.00 to MP 326.00, by issuing payment in the amount of \$81,736.31, payable to Buckley, Brion, McGuire, Morris & Sommer, LLP; representing settlement payment; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release as approved by the Legal Department; and payment of the settlement amount to the property owners is contingent upon their delivery of the executed Settlement Agreement and General Release.
- was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

\*

#### ADVERTISING

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

- a. Matter Management and E-billing system to replace the existing Chief Legal Officer system;
- b. Insurance broker to procure insurance for OCIP for I-95 and other reconstruction projects as determined, within the FY12 Ten-Year Enhanced Capital Plan.

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

\*

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 “g”:

- a. Two (2) mobile generators (with training), utilizing the Commonwealth’s contract with Cleveland Brothers; at a total award of \$314,580.00;
- b. License extension for Constructware and Buzzsaw (October 31, 2012 – May 30, 2015) and DVD backups through October 29, 2018; utilizing the Commonwealth’s contract with Dell Marketing; at a total award of \$425,854.35;
- c. Glass beads, exercising our option to renew the agreements for an additional year:

	<u>Renewal Value</u>
Potters Industries	\$ 60,000.00
Greenstar Allentown, LLC	<u>\$160,000.00</u>
TOTAL RENEWAL:	\$220,000.00
- d. Traffic line paint, exercising our option to renew the agreement for an additional year with Ennis Paint Inc., for an additional \$600,000.00;
- e. Sixteen (16) trailer-mounted light towers, utilizing the Commonwealth’s contract with Best Line Equipment; at a total award of \$143,868.80;
- f. Five (5) Crafcro crack sealing kettles, utilizing the Commonwealth’s contract with Crafcro Inc.; at a total award of \$254,935.00;
- g. Seven (7) tow-behind rollers, utilizing the Commonwealth’s contract with Cleveland Brothers Equipment Co.; at a total award of \$221,676.00.

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

\*

AWARD OF CONTRACTS

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

- a. Contract #T-109.91R001-3-02 for the Somerset Interchange Five Points Intersection modifications, to the lowest responsive and responsible bidder, New Enterprise Stone and Lime Co., Inc.; at a not-to-exceed amount of \$4,531,422.59 and a contingency of \$250,000.00;
- b. Contract #T-352.00R001-3-02 for bituminous overlay between MP 353.40 and MP 358.00 and sign installation between MP 353.40 and MP 359.00, to the lowest responsive and responsible bidder, Blooming Glen Contractors, Inc.; at a not-to-exceed amount of \$2,961,856.34 and a contingency of \$100,000.00;

- c. Contract #T-299.00R001-3-02 for bituminous resurfacing between MP 299.30 and MP 306.38, to the lowest responsive and responsible bidder, Reading Site Contractors; at a not-to-exceed amount of \$10,317,872.92 and a contingency of \$500,000.00.

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

\*

#### SUPPLEMENTAL AGREEMENT

Motion-That the Commission approves Supplemental Agreement #3 with Vitetta for architectural and engineering services for the Plymouth Meeting maintenance facility relocation project; for an additional \$1,600,000.00; necessary to complete the extensive redesign for the new maintenance facility, to provide construction administration service including the preparation of bid documents, shop drawing and submittal review, as-built preparation and submissions to the Department of Labor and Industry-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

\*

#### CHANGE ORDERS AND FINAL PAYMENT

Motion-That the Commission approves the Change Order and Change Order/Final Payment for the items listed in memos "a" through "c":

- a. Change Order #2 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 \$96,353.65 necessary for normal quantity adjustments to balance items to the actual amount of work completed to date; additional changes for right-of-way fencing, erosion and sediment control, traffic signs, protective fencing, seeding and soil supplements, access gate construction, maintenance requested items for erosion control and precautions (MPT) and repairs (erosion and sediment) expenses due to Hurricane Irene;
- b. Change Order #1 and Final Payment for Contract #T-180.00R001-3-02 with New Enterprise Stone and Lime, Inc. for bituminous overlay between MP 179.93 and MP 187.33, for a decrease of \$134,115.27 due to normal quantity adjustments necessary to balance items to actual work completed, new items for lane and shoulder repairs along with ride quality improvements, drainage and lane rental fees; making the final contract value \$5,826,042.18 and final amount due to the contractor of \$588,374.79;
- c. Change Order #1 for Contract #EN-00027-03-02 with William Orr and Sons, Inc. for the erection of signs between MP 0.00 and MP 245.75; Turnpike 60, Turnpike 66 and Turnpike 43, necessary for a 337-day time extension necessary due to three additional work authorizations issued just prior to the original completion date.

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

\*

PSPC RECOMMENDATION

Motion-That the Commission approves the vendor selection from the Professional Services Procurement Committee (PSPC) and authorizes the negotiation and execution of an agreement with the first vendor listed in memos "a" through "c":

- a. Authorized services provider for coverage from MP 188.70 to MP 226.30:  
John's Mobile Repair Services, Inc.  
HJ Towing & Recovery, Inc.
- b. Authorized service provider for coverage from MP 154.20 to MP 188.60:  
Interstate Emergency Services, Inc.
- c. Authorized service provider for coverage from MP B27.50 to MP B44.80:  
McConnell's, Inc.

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

\*

PROFESSIONAL SERVICES CONTRACTS

Motion-That the Commission adopts a three-tiered review structure for professional services contracts and authorizes staff to recommend, for final approval by the Chief Executive Officer, the necessary revised procurement procedures to implement the new structure-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

\*

NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be a telephone meeting held Tuesday, April 2, 2012 beginning at 10:00 am.

\*

ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 10:31 a.m.-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

\*

PREPARED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

03-19-12

APPROVED BY:

J. William Lincoln  
Secretary Treasurer

ATTACHMENT NUMBER 1  
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL