

MINUTES OF THE COMMISSION MEETING HELD APRIL 3, 2012

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:39 a.m., April 3, 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; Richard S. DiPiero, Director of Fare Collection; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Todd S. Garrison, Director of Maintenance; Nikolaus Grieshaber, Chief Financial Officer; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; 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; Carl E. DeFebo, Jr. Manager of Public Information-East; Derek S. Hansel, Assistant Chief Financial Officer; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Office Assistant; Jeffrey A. Naugle, Manager of Treasury Operations; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Dean Kohr, Atkins Donna Walchok, PA Auditor General and Tom Harding, PA Auditor General.

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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 available.

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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, TERMINATION, PROMOTION, EQUITY ADJUSTMENTS, RECLASSIFICATION, NEW HIRES, VACANCIES AND REQUESTS TO CREATE, POST AND FILL A POSITION IN THE ENGINEERING DEPARTMENT.

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

DEAN KOHR, ATKINS

DONNA WALCHOK, PA AUDITOR GENERAL

TOM HARDING, PA AUDITOR GENERAL

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held March 19, 2012 be approved and filed as submitted-was made by Commissioner Pratt seconded by Commissioner Deon; and passed unanimously.

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COMMUNICATIONS

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

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PERSONNEL

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

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NEW BUSINESS

REAL ESTATE APPRAISAL POOL

Motion-That the Commission approves adding the following firms to the qualified pool for real estate appraisal services:

- Van Fleet Appraisals, Inc.
- Keystone Valuation Group, L.P.
- Chiappetta Agency, Inc.

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

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AGREEMENT

Motion-That the Commission approves the negotiation and execution of the Amendment to our agreement with SAP to extend the maintenance service schedule on our SAP Supplier Relationship Management (SRM) version 5.0 licensed software, through March 31, 2015; at an additional cost of \$51,315.00-was made by Commissioner Pratt, 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 "c":

- a. Authorize the acquisition of Right-of-Way #7090-F, a partial take parcel necessary for the I-95 Interchange Project, by authorizing the issuance of payment in the amount of \$11,118.00, representing fair market value and pro-rated taxes; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- b. Authorize the acquisition of Right-of-Way #6498-A, a partial take parcel necessary for the replacement of Bridges NB-150 and NB-152, by authorizing the issuance of payment in the amount of \$6,057.00, representing fair market value and pro-rated taxes; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; 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. Authorize settlement of Right-of-Way #16743, a partial take parcel necessary for construction of the Uniontown to Brownsville section of the Mon/Fayette Expressway, by authorizing the issuance of payment in the amount of \$25,075.00 representing settlement, statutory damages and delay damages; authorize the appropriate Commission officials to execute the settlement agreement as approved by the Legal Department and payment to the property owners is contingent upon receipt of a fully executed settlement agreement as prepared by the Legal Department.

-was made by Commissioner Pratt, 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" and "b":

- a. Contract #A-113.35S001-3-02 for the elimination of Bridge NB-651 at MP A113.35;

- b. Financial Advisor to assist with financing for the Enhanced 10-Year Capital Plan, review and analysis of alternative financing structures, pricing of bond sales and preparation of annual Act 44 Financial Plan; the current contract is due to expire November 18, 2012.

-was made by Commissioner Pratt, seconded by Commissioner Deon; 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. Eleven (11) solar, trailer mounted large message boards, utilizing the Commonwealth's contract with American Signal; at a total award of \$157,850.00;
- b. Two (2) mini excavators, utilizing the Commonwealth's contract with Bobcat Company; at a total award of \$123,497.44.

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

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AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contracts for the items listed in memos "a" and "b":

- a. Contract #EN-00105-03-08 for bituminous overlay between MP 206.92 and MP 210.51, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$1,069,062.90, and a contingency of \$50,000.00;
- b. Contract #A-066.54S001-3-02 for painting and fencing replacement at various bridges between MP A66.54 and MP A83.88, to the lowest responsive and responsible bidder, Mosites Construction Company; at a not-to-exceed amount of \$1,788,220.00, and a contingency of \$50,000.00.

-was made by Commissioner Pratt, 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" through "d":

- a. Supplemental Agreement #1 with McCormick Taylor, Inc. for design of the I-95/I-276 Interchange Project-Section A, for an additional \$3,500,000.00, necessary for changes in design and regulatory requirements, including stormwater management, noise analysis and remediation, and environmental remediation and permitting;
- b. Supplemental Agreement #1 with Borton-Lawson Engineering, Inc. for open-end design services, for an additional \$400,000.00, necessary to support the Enhanced Capital Plan;

- c. Supplemental Agreement #1 with Gibson-Thomas Engineering Co., Inc. for open-end design services, for an additional \$400,000.00, necessary to support the Enhanced Capital Plan;
- d. Supplemental Agreement #1 with Century Engineering for open-end design services, for an additional \$400,000.00, necessary to support the Enhanced Capital Plan.

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

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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 "d":

- a. Change Order #2 for Contract #EN-00111-03-04 with J.P.S. Construction Co., Inc. for bridge repairs between MP 236.22 and MP 358.11, for an increase of \$593,000.00, necessary for additional deck patching and emergency repairs;
- b. Change Order #3 for Contract #T-129.00R001-3-02 with New Enterprise Stone and Lime Co., Inc. for bituminous resurfacing between MP 128.88 and MP 138.19, for an increase of \$6,336,612.20, necessary for additional cost and time associated with reduced production caused by a reduction of allowable work durations/lane closures, normal quantity adjustments to balance items to the actual work completed, right lane and shoulder work necessary to accommodate a traffic switch for repairs at Bridge B-305;
- c. Change Order #2 for Contract #A-020.00T002-3-05 with Walsh Construction for roadway and bridge reconstruction from MP A20.31 to MP A25.67, for an additional \$2,664,538.05, necessary to balance items to the actual work completed, mainline milling and paving repairs, asbestos testing and to recover delay damages caused by ROW issues;
- d. Change Order #5 and Final Payment for Contract #T-048.00R001-3-02 with Lindy Paving, Inc. for bituminous resurfacing between MP 44.70 and MP 50.66, for an additional \$99,701.64, necessary to balance items to the actual work completed, changes for subbase, drainage, pollution control, barrier, emergency deck repairs, fence repairs, pavement repairs, guide rail revisions, pavement markings, wearing course and adjustments for asphalt materials, additional MPT for traffic signs and devices due to a previously approved time extension; making the final contract value \$5,889,177.87, and a final amount of \$573,752.31 due to the contractor.

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

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Craig Shuey recognized the resignation of Derek Hansel, Assistant Chief Financial Officer and offered the Commissions well wishes on his future endeavor in New Jersey.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be held Tuesday, April 17, 2012 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 10:47 a.m.-was made by Commissioner Pratt, seconded by Commissioner Deon; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

04-03-12

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL