

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

SPECIAL MEETING

APRIL 26, 2011

10:00 A.M.

AGENDA

- A. Roll Call
Sunshine Announcement
Public Participation**

- B. Minutes-April 5, 2011**

- C. Communications-
Memo received from the Chief Counsel
Memo received from Manager of Strategic Sourcing and Asset Management**

- D. Personnel**

- E. Unfinished Business**

F. NEW BUSINESS

- 1. Adopt the Resolution ratifying the investments, reinvestments and liquidations of securities with available cash, as described in the memo from the Assistant Chief Financial Officer dated April 15, 2011.**

- 2. Approve the negotiation and execution of the Amendments, Supplemental Agreement, Work Order, Agreements and approve advertising for the items listed in memos “a” through “d”:**
 - a. Amendment to our agreement with General Dynamics Information Technologies for the Electronic Bidding System (EBS), to exercise our final option to renew the agreement for an additional year; at an additional cost of \$725,000.00;**

 - b. Supplemental Agreement with Greenhorne & O’Mara for project collaboration system Constructware, for an increase of \$619,204.44; increasing the not-to-exceed amount to \$1,519,204.44;**

 - c. Interagency Agreement with the Pennsylvania State Police for patrol coverage of the Findlay Connector, at a rate of \$13,391.96 per month;**

 - d. Amendment to our agreement with TransCore for the Communications Systems Maintenance contract, to exercise our final option to renew the agreement until May 2012; at an approximate additional annual cost of \$3,100,000.00; and approve advertising for a vendor to support the microwave system.**

- 3. Approve the Right-of-Way Requests for the items listed in memos “a” through “f”:**
 - a. Authorize the acquisition of Right-of-Way #8995-R09, a partial take parcel, necessary for Rt. 903 Slip Ramp; by issuing payment in the amount of \$16,700.00 payable to Penn Forest Township, representing fair market value; authorize the appropriate Commission officials to execute the agreement of sale; authorize the 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 prepared by the Legal Department;**

 - b. Authorize the acquisition of Right-of-Way #14069-RB, a temporary construction easement, necessary for the total reconstruction project from MP 40.00 to MP 48.00; by issuing payment in the amount of \$500.00 payable to Patrick M. Stewart, representing fair market value; authorize the appropriate Commission officials to execute the temporary construction easement; authorize the 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**

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- contingent upon the delivery of an executed Temporary Construction Easement as prepared by the Legal Department;**
- c. Relinquish the condemnation claim on Right-of-Way #14135, a total take parcel for construction of the Southern Beltway , until a time closer to construction, allowing claimant to continue his business operations; and authorize payment of cost, expenses and damages, if any, suffered by reason of the condemnation;**
 - d. Authorize the acquisition of Right-of-Way #14124, a total take parcel, necessary for construction of the Southern Beltway; by issuing payment in the amount of \$134,806.41, payable to Nathan Zarichnak & Associates, LLC, Escrow Agent, representing fair market value, prorated taxes and recording fees; authorize the appropriate Commission officials to execute the agreement of sale; authorize the 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 prepared by the Legal Department;**
 - e. Authorize payment to James A. Hercik, in the amount of \$6,085.00, for damage to his property during the construction of the Park and Ride facility in Fayette County;**
 - f. Authorize settlement of Right-of-Way #6408-A, a partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00; by issuing settlement payment the amount of \$21,000.00, payable to Buckley, Brion, McGuire, Morris & Sommer, LLP; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the settlement amount to the property owner is contingent upon the execution and delivery of the settlement agreement as prepared by the Commission’s counsel.**
- 4. Approve advertising for the items listed in memos “a” through “d”:**
- a. ATM services at Central Office Building and the Service Plazas;**
 - b. Armored Courier Services;**
 - c. Contract #A-025.67R001-3-02 for pavement patching between MP A25.67 and MP A31.13, not included in approved Capital Plan;**
 - d. Contract #A-120.40R001-3-02 for bituminous resurfacing between MP A120.40 and MP A125.10, not included in approved Capital Plan.**

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5. Approve the Award of Bids, the Renewal of a Contract, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “d”:

a. Exercising our option to renew the contract for Bituminous Materials:

Handwerk Materials:	\$2,000.00
IA Construction Corp:	\$10,000.00
Lindy Paving Inc.:	\$11,000.00
Russell Standard Corp:	\$5,000.00
Hanson Aggregates BMC:	\$10,000.00
HEI-WAY LLC:	\$12,000.00
New Enterprise Stone & Lime:	\$55,000.00
The Lane Construction Corp:	\$2,500.00
Hempt Bros:	\$4,000.00
Pensy Supply - Harrisburg:	\$4,000.00
Valley Quarries:	\$16,000.00
Lebanon Materials:	\$2,000.00
Silver Hill Quarry:	\$10,000.00
Sanatoga Asphalt:	\$8,000.00
H & K Materials:	\$4,000.00
Eureka Stone Quarry Inc.:	\$3,000.00
Locust Ridge Quarry:	\$6,000.00
Dunmore Materials:	\$1,000.00
Eckley Asphalt:	\$1,000.00
Coopersburg Asphalt:	\$1,000.00
Wilkes-Barre Materials:	\$22,000.00
Eastern Industries Inc.:	\$10,000.00
Highway Materials Inc.:	\$1,000.00
Glasgow Inc.:	\$4,000.00
Seaboard Asphalt Products:	\$2,000.00
Pensy Supply - Slusser Bros:	\$4,000.00
Renewal Award:	\$210,500.00

b. Change Order for preventative maintenance of the lighting on the Mon/Fayette Expressway, exercising our option to renew the contract for one year at an additional cost of \$75,000.00, increasing the purchase order to \$284,000.00;

c. NetApp Storage Area Network (SAN) shelves, utilizing the Commonwealth’s contract with Razor Technology, LLC at a total award of \$255,075.58;

d. Vehicle lift for Searights Maintenance, utilizing the Commonwealth’s contract with Stertil-Koni USA, Inc.; at total award of \$110,141.19.

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6. **Approve the Award of Contract #M-034.50R001-3-02 for concrete pavement rehabilitation and joint repairs between MP M34.49 and MP M35.79 and slide repair buttress at MP M39.00, to the lowest responsive and responsible bidder, Matcon Diamond, Inc.; at a total award of \$1,044,031.78 and contingency amount of \$75,000.00.**

7. **Approve settlement of the legal issues and authorize payments for the items listed in memos “a” through “c”:**
 - a. **Settlement in the case, *Anastasia Zabielski and Joseph Zabielski v. Pennsylvania Turnpike Commission*, and authorize payment in the settlement amount to Anastasia and Joseph Zabielski and Caputo and Marriott, P.C.;**

 - b. **Payment of an invoice from the PA Department of General Services in the amount of \$5,178.00, which represents the Commission’s premium due for the Boiler and Machinery insurance policy for fiscal year 2010-2011;**

 - c. **Settlement in *Ken Fowler/Alex Lugin Arbitration*, and authorize the Commission officials to execute the settlement agreement and make the necessary payroll adjustments.**

8. **AUTHORIZE THE ISSUANCE OF THE PENNSYLVANIA TURNPIKE COMMISSION’S VARIABLE RATE AND/OR FIXED RATE TURNPIKE REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$350,000,000 (BASED ON ISSUANCE VALUE) IN ONE OR MORE SERIES OR SUBSERIES, TAXABLE OR TAX-EXEMPT, TO REFUND THE COMMISSION’S TURNPIKE MULTI-MODAL REVENUE BONDS, SERIES B-2 OF 2008 THROUGH B-6 OF 2008, CURRENTLY OUTSTANDING IN THE PRINCIPAL AMOUNT OF \$298,330,000; AUTHORIZING THE REPLACEMENT OF THE ORIGINAL LETTERS OF CREDIT FOR THE COMMISSION’S TURNPIKE MULTI-MODAL REVENUE BONDS, SERIES B-1 OF 2008 AND SERIES C OF 2008, CURRENTLY OUTSTANDING IN THE PRINCIPAL AMOUNT OF \$150,000,000 WITH ONE OR MORE NEW LETTERS OF CREDIT TO BE ISSUED BY BARCLAYS BANK PLC AND THE REMARKETING OF SUCH BONDS; AUTHORIZING THE EXECUTION, DELIVERY AND DISTRIBUTION OF THE FOLLOWING: (1) ONE OR MORE SUPPLEMENTAL TRUST INDENTURES TO THE RESTATED INDENTURE; (2) ONE OR MORE PRELIMINARY OFFICIAL STATEMENTS OR PRELIMINARY PRIVATE PLACEMENT MEMORANDA, IF REQUIRED; (3) ONE OR MORE OFFICIAL STATEMENTS, PRIVATE PLACEMENT MEMORANDA OR REMARKETING MEMORANDA; (4) ONE OR MORE PURCHASE CONTRACTS OR PRIVATE PLACEMENT AGREEMENTS; (5) AGREEMENTS FOR THE PROVISION OF ONE OR MORE CREDIT**

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FACILITIES AND RELATED AGREEMENTS; (6) ONE OR MORE REMARKETING AGREEMENTS AND CONTINUING DISCLOSURE AGREEMENTS; AND (7) ANY OTHER NECESSARY OR APPROPRIATE DOCUMENTS OR CERTIFICATES; AUTHORIZING APPOINTMENT OF BOND COUNSEL, AND ONE OR MORE UNDERWRITERS, DIRECT PURCHASERS, FINANCIAL ADVISORS, REMARKETING AGENTS OR OTHER PROFESSIONALS; AUTHORIZING THE TAKING OF FURTHER ACTION; RATIFYING PRIOR ACTIONS; REPEALING INCONSISTENT RESOLUTIONS; AND DECLARING THAT THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED.

Items added to the Formal Agenda

CHANGE ORDERS

F-9 Approve Change Orders for the items listed in memos “a” and “b”:

- a. **Change Order #3 for Contract #T-282.00R001-3-02 with Kinsley Construction Co., Inc. for bituminous overlay between MP 282.00 and MP 292.00, for an increase of \$493,875.10; necessary for normal quantity adjustments necessary to balance items to actual work completed to date and changes to reprofile the existing roadway at MP 301.20 EB;**
- b. **Change Order #3 for Contract #A-020.00T002-3-02 with J.F. Shea Construction, Inc. for the replacement of Bridge NB-129 at MP A27.20, for an increase of \$690,228.91, necessary for milling, paving, subbase for bridge approaches, additional overhead costs due to the time extension, HPC placement with pump truck, snow removal, deck forms, additional support for utilities, winter curing method for concrete and signage.**

CHANGE ORDERS AND FINAL PAYMENTS

F-10 Approve the Change Orders and Final Payments for the items listed in memos “a” through “f”:

- a. **Change Order #1 and Final Payment for Contract #T-025.00R001-3-02 with Lindy Paving, Inc. for bituminous resurfacing between MP 24.90 and MP 30.80 and Access Ramp construction at MP 15.90; for an increase of \$614,825.62, making the final contract value \$6,575,584.20 and a final amount due of \$1,276,334.07;**
- b. **Change Order #1 and Final Payment for Contract #EN-00088-03-05 with Lindy Paving, Inc. for roadway and miscellaneous repairs between MP 0.00 and MP 75.39, Turnpike 60, 66 and 42; for a decrease of \$616,950.95, making the final contract value \$133,049.05 and a final amount due of \$6,652.45;**

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- c. Change Order #1 and Final Payment for Contract #EN-00094-03-04 with J.P.S. Construction, Inc. for bridge repairs between MP 236.22 and MP 358.11; for an increase of \$182,170.21, making the final contract value \$982,170.21 and a final amount due of \$198,170.21;**
- d. Change Order #6 and Final Payment for Contract #T-220.00T001-3-02 with Hempt Bros., Inc. for ramp reconstruction and replacement of Bridge EB-100B at the Carlisle Interchange; for a decrease of \$132,320.44, making the final contract value \$11,832,639.88 and a final amount due of \$228,717.76;**
- e. Change Order #2 and Final Payment for Contract #EN-00049-03-10 with Bi State Construction Company, Inc. for sound barrier and collision damage repairs from MP 334.16 to MP 351.08; for an increase of \$59,229.87, making the final contract value \$843,216.62 and a final amount due of \$113,892.39;**
- f. Change Order #8 and Final Payment for Contract #M-015.30X001-3-01 with Walsh Construction for construction of Section 51A1 on the Mon/Fayette Expressway; for a decrease of \$1,300.23; making the final contract value \$73,304,455.61 and a final amount due of \$731,757.33.**

SUPPLEMENTAL AGREEMENTS

- F-11 Approve the preparation and execution of supplemental agreements and time extensions for Orion Land Services, Inc. and Keystone Acquisition Services, Inc. for right-of-way acquisition services for the Southern Beltway.**

RULES AND REGULATIONS

- F-12 Approve the revisions to the Rules and Regulations for the Governance of the Turnpike Commission.**