

MINUTES OF THE COMMISSION MEETING HELD MAY 6, 2015

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:35 a.m. on May 6, 2015 at the Central Office located in Highspire, Pennsylvania. Available via the telephone for the meeting were Sean Logan, Chairman; William K. Lieberman, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer, A. Michael Pratt, Esquire, Commissioner and Leslie Richards, Acting Secretary of Transportation.

Present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer for Michael Baker Jr., Inc.; Charles L. Duncan III, Esquire, Director of Legislative Affairs; Scott D. Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen A. McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Director of Policy and External Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Susan Carson-Casoni, Cash Manager; John Christensen, Director of FEMO; Carl E. Defebo, Jr., Director of Public Relations & Marketing; Richard S. Dipiero, Senior Fare Collection Operations Manager; Richard C. Dreher, Assistant CFO/Financial Management; Jason Falchek, Technician of PC/LAN Systems; Anthony Lacroce, Claims Supervisor; Donald S. Klingensmith, Director of Procurement and Logistics; Donna Lapano, Executive Office Assistant; Wanda Metzger, Contracts Supervisor; Gina M. Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Sheri Norris, Director of Human Resources; Cindy Smith, Senior General Accountant; Joe Sutor, Planning Manager; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Casey Waller, KCI; Kristi Reichard, Raudenbush Engineering; Peter Kuhne, Atkins; Jon Perrego, KCI; John Smith IV, Parsons Brinckerhoff; Tom Cushman, AECOM; Robert Peda, Navarro & Wright; Matt Natale, JMT and Scott Shimko, Borton Lawson.



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



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



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of personnel, which included a promotion, equity adjustment, terminations, new hires, and a request to post and fill a position in the Facilities and Energy Management Operations Department.

The Commissioners also 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 and effective meeting, all persons wishing to address the Commission should have signed in a requested time to speak. If you have not done so, you are invited to do so at this time.

There were no requests to address the Commission; all visitors stood and introduced themselves.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held April 21, 2015 be approved and filed as submitted-was made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



NEW BUSINESS

POLICY LETTER

Motion-That the Commission adopts Policy 10.5, *Pennsylvania Turnpike Commission Advisory Committee*, to review and evaluate current Commission policies and procedures relating to ethics, procurement, transparency/accountability and governance-was made by Commissioner Pratt, seconded by Commissioner Deon, 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 – g” and “i – l”:

- a. Amendment to our agreement with AAA Southern PA and AAA Reading/Berks to distribute E-ZPass at their locations, exercising the option to renew the agreements for an additional five (5) years;
- b. Agreement with Planet Technologies, through the Texas Department of Information Resources cooperative purchasing agreement, to develop a Utility Crossing Dynamics Application; at a not-to-exceed amount of \$29,722.00;
- c. Enterprise Agreement with Microsoft, utilizing the Commonwealth’s agreement, to obtain Microsoft products and licenses; at a not-to-exceed amount of \$1,793,272.83;
- d. Amendment to our agreement with Public Financial Management (PFM) for financial advisory services, exercising the option to renew the agreement for an additional year; at an approximate cost of \$375,000.00;
- e. Contracts for open-end drilling, to the lowest responsive and responsible bidders; at a not-to-exceed amount of \$900,000.00 each or three (3) years, whichever occurs first:
  - TRC Engineers, Inc.-MP 0.00 to MP 247.30, Greensburg Bypass, Beaver Valley Expressway, Mon/Fayette Expressway and the Southern Beltway;
  - TRC Engineers, Inc.-MP 247.30 to MP 359.00 and the Northeast Extension;
- f. Reimbursement Agreement with Beaver Falls Municipal Authority (BFMA) for the Authority to reimburse the Commission the cost for relocation of its water line necessary for the replacement of Bridge WB-209 at MP 12.69; at a reimbursement cost of \$125,517.63;

- g. Reimbursement Agreement with Pennsylvania Water Company (PAWC) to reimburse PAWC partial costs for the relocation of its water line necessary for the replacement of Bridge NB-709 at MP 120.68; at a not-to-exceed amount of \$218,875.00;
- i. Settlement Agreement and Release with Michael Oesterling, and authorize issuance of the workers' compensation settlement payment;
- j. Settlement Agreement and Release with Mark Yakscoe, and authorize issuance of the workers' compensation settlement payment;
- k. Settlement Agreement and Release with David Domarasky, and authorize issuance of the workers' compensation settlement payment;
- l. Pre-litigation Settlement Agreement with the Township of Tredyffrin regarding the total reconstruction project from MP 320.00 to MP 326.00.

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

Motion-That the Commission approves the negotiation and execution of the Agreement for the items listed in memo "h":

- h. Reimbursement Agreement with PECO Energy Company to reimburse PECO for the required engineering and facility relocation work necessary for construction of the I-95/I-276 Interchange project-Section A-1; at a not-to-exceed amount of \$978,837.00;

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

COMMISSIONER PRATT: I abstain on this item because PECO is a client of my firm.

The motion passed.



#### RIGHT-OF-WAY ACQUISITION

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

- a. Settlement of Right-of-Way #14217-A1 (Edward L. & Margaret J. Vogel) a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing settlement payment of \$8,918.00 to Hollinshead, Mendelson, Bresnahan & Nixon, P.C. escrow agent; authorize the appropriate Commission officials to execute the necessary settlement documents; and payment of the settlement amount to the property owners is contingent upon their execution of a settlement agreement and full and final release as approved by the Legal Department;
- b. Acquisition of Right-of-Way #12050-B (John W. Bennett) a partial take parcel necessary for the bridge replacement project (WB-224B) at MP 20.47, by authorizing payment of fair market value of

- \$500.00 to John W. Bennett; authorize the appropriate Commission officials to execute the temporary construction easement agreement and other documents that may be required for closing; authorize the 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 owner is contingent upon the execution of a temporary construction easement agreement as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #12050-D (Craig H. Liston) a partial take parcel necessary for the bridge replacement project (WB-224B) at MP 20.47, by authorizing payment of fair market value of \$500.00 to Craig H. Liston; authorize the appropriate Commission officials to execute the temporary construction easement agreement and other documents that may be required for closing; authorize the 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 owner is contingent upon the execution of a temporary construction easement agreement as prepared by the Legal Department;
  - d. Acquisition of Right-of-Way #12050-A (Margaret I. Cron) a partial take parcel necessary for the bridge replacement project (WB-224B) at MP 20.47, by authorizing payment of fair market value of \$500.00 to Margaret I. Cron; authorize the appropriate Commission officials to execute the temporary construction easement agreement and other documents that may be required for closing; authorize the 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 owner is contingent upon the execution of a temporary construction easement agreement as prepared by the Legal Department;
  - e. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #2128-M (Heirs of Eugene R. Messerman & Alma R. Messerman; Donna Dick, Greg Eltman, Sharon Eltman a/k/a Sharon Ann Bowman, Dorothy Hall, Anthony Lemin, Dean Lemin, a/k/a Walter Dean Lemin, Sr., and Kenneth Messerman, as their interests may appear) a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50; authorize payment of Estimated Just Compensation of \$1,120.00 to Babst Calland, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
  - f. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14069-E (Georgette P. Constantin) a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation of \$31,000.00 to Buchanan Ingersoll & Rooney, P.C., escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
  - g. Acquisition of Right-of-Way #6507-A (Shirley K. Hackman) a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00, by authorizing payment of fair market value, pro-rated taxes and recording fees of \$205,945.65 to Diversified Settlement Services, Inc., escrow agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize the 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 owner is contingent upon her delivery of a deed prepared by the Legal Department;

- h. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #3127-B (Benjamin E. & Marion A. Byler) a partial take parcel necessary for the total reconstruction project from MP 202.00 to MP 206.00; authorize payment of Estimated Just Compensation of \$8,100.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- i. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #3129-A (Daniel S. & Frannie S. Esh) a partial take parcel necessary for the total reconstruction project from MP 202.00 to MP 206.00; authorize payment of Estimated Just Compensation of \$16,300.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- j. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #3129-B (Scott & Elizabeth Hair) a partial take parcel necessary for the total reconstruction project from MP 202.00 to MP 206.00; authorize payment of Estimated Just Compensation of \$10,000.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- k. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #3124-C (Mark E. & Tammy F. Hoover) a partial take parcel necessary for the total reconstruction project from MP 202.00 to MP 206.00; authorize payment of Estimated Just Compensation of \$10,200.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- l. Acquisition of Right-of-Way #1019-A (Henry A. & Margaret A. Durst) a partial take parcel necessary for the total reconstruction project from MP 99.00 to MP 109.00, by authorizing payment of fair market value and pro-rated taxes of \$17,081.50 to Henry A. & Margaret A. Durst; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize the 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 Pratt, seconded by Commissioner Deon, and passed unanimously.



#### ADVERTISING

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

- a. Traffic & Revenue consultant for the Mon/Fayette and Southern Beltway projects;
- b. Engineering firm to perform storage tank/environmental related services systemwide;

- c. Two (2) open-end drilling contracts to perform subsurface boring, sampling and testing services systemwide.

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



#### PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids, Change Orders and the Issuance of Purchase Orders for the items listed in memos "a" through "l":

- a. Gate parts, to the lowest responsive and responsible bidder, Allegheny Fence Co.; at a total award of \$156,420.00;
- b. Ten (10) trailer-mounted attenuators, utilizing the Commonwealth's contract with TrafFix Devices, Inc.; at a total award of \$159,810.00;
- c. Twenty-two (22) snow plows (fourteen 12-ft. reversible plows, and eight 10-ft. one way plows); utilizing the Commonwealth's contract with Henke Manufacturing Corp.; at a total award of \$208,166.00;
- d. Forty-four (44) snow plows (nineteen 10-ft. one way, twenty-one 11-ft. one way, three 12-ft. reversible and one 11-ft. reversible plows); utilizing the Commonwealth's contract with Valk Manufacturing Co.; at a total award of \$388,210.00;
- e. Four (4) cutaway vans for trades personnel, utilizing the Commonwealth's contract with Penske Buick GMC Trucks, Inc.; at a total award of \$155,395.11;
- f. Change Order for IT staff augmentation for a System Administrator 4, to extend the services to September 30, 2015 in accordance with the Commonwealth's contract with Computer Aid, Inc.; at a cost of \$62,400.00;
- g. Change Order for fuel storage tank cleaning, to extend the service through April 30, 2016 in accordance with the Commonwealth's contract with Clean Fuel Associates; at a cost of \$275,000.00;
- h. Six (6) pickup trucks (5 Ram 4WD Quad Cab and one Silverado), utilizing the Commonwealth's contract with Apple Automotive Group; at a total award of \$163,635.00;
- i. Seven (7) Dodge Caravan's, utilizing the Commonwealth's contract with Apple Automotive Group; at a total award of \$160,601.00;
- j. Twenty-two (22) crew cab chassis Freightliner hook loaders, utilizing the Commonwealth's contract with Freightliner of Lancaster; at a total award of \$1,859,330.00;

- k. Change Order for IT staff augmentation for a Technical Specialist 5, to extend the services to September 30, 2015 in accordance with the Commonwealth's contract with Computer Aid, Inc.; at a cost of \$103,808.00;
- l. System Wide Maintenance for uninterruptible power sources and batteries for systems manufactured by APC/MGE, Emerson and Eaton, exercising the option to renew the agreements for an additional year (May 1, 2015 – April 30, 2016):

Emerson Network Power/Liebert Services, Inc.	\$ 175,424.00
United Power & Battery	<u>\$ 945,500.00</u>
Total Renewal:	\$1,120,924.00

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



#### AWARD OF CONTRACTS

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

- a. Contract #T-338.58R001-3-02 for bituminous resurfacing of Fort Washington Interchange at MP 338.58, to the lowest responsive and responsible bidder, Allan A. Myers, LP; at a not-to-exceed amount of \$2,872,500.00 and a contingency of \$100,000.00;

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

COMMISSIONER PRATT: I abstain on this item because Allan A. Myers, LP 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" and "c":

- b. Contract #EN-00167-03-04 for installation of mile marker signs between MP 201.30 and MP 302.69, to the lowest responsive and responsible bidder, J. Fletcher Creamer & Son, Inc.; at a not-to-exceed amount of \$574,444.00 and a contingency of \$25,000.00;
- c. Contract #EN-00167-03-06 for installation of mile marker signs between MP A31.34 and MP A130.64, to the lowest responsive and responsible bidder, Protection Services Inc.; at a not-to-exceed amount of \$584,862.81 and a contingency of \$25,000.00.

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



#### CHANGE ORDER AND FINAL PAYMENT

Motion-That the Commission approves the Change Orders and Final Payments for the items listed in memos "a" through "d":



- a. Change Order #5 for Contract #T-355.00P001-3-07 for general construction for the I-95/I-276 Interchange project, Section B with Road-Con, Inc., for an additional \$1,290,000.00 for Class 1 excavation and undercutting anticipated to be encountered in Stage 3 construction to stabilize subgrade for placement of the roadway due to the large amount of undercutting required in Stage 2 construction, the project quantity for undercutting was already exceeded; for a revised not-to-exceed amount of \$61,964,682.76;
- b. Change Order #4 and Final Payment for Contract #T-242.00T002-3-04 for the replacement of Bridge EB-210 at MP 243.24 with Susquehanna Valley Construction Corporation, for an increase of \$17,103.65 to balance items to actual work completed, placement of R-4 rock for erosion control, and acceleration costs; for a final contract value of \$5,670,513.73 and final amount due to the contractor of \$29,103.65;
- c. Change Order #3 and Final Payment for Contract #T-242.00T002-3-02 for the replacement of Bridge EB-212 at MP 244.91 with Susquehanna Valley Construction Corporation, for an increase of \$30,477.99 to balance items to actual work completed, repair and resolve drainage issues, relocate fence and remove and reseed rye grass at Army Depot perimeter; for a final contract value of \$3,604,613.17 and final amount due to the contractor of \$63,417.25;
- d. Change Order #6 for Contract #A-087.00P001-3-03 for construction of the E-ZPass Only Interchange at MP A87.07 with New Enterprise Stone and Lime Co., Inc., for an increase of \$452,455.55 for changes to wetland fencing, electrical, post mounted signs, toll equipment; traffic signal support pole, trenching and backfilling, acceleration costs, winter curing and additional costs for a 189-day time extension due to the redesign of the SR 903 Arch Culvert; for a revised not-to-exceed amount of \$23,989,734.04.

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



### SUPPLEMENTS

Motion-That the Commission approves the negotiation and execution of the Supplemental Agreements listed in memos "a" and "b":

- a. Supplemental Agreement #1 for open-end environmental services with Skelly & Loy, Inc. for an increase of \$250,000.00 to complete the environmental permit work for the total reconstruction project from MP 320.00 to MP 326.00 and for environmental work in support of the Capital Plan; for a revised not-to-exceed amount of \$1,000,000.00;
- b. Supplemental Agreement #1 for study and design rehabilitation of the Tuscarora Tunnel with Gannett Fleming, Inc. for an increase of \$2,500,000.00 to complete the preliminary design and final design for both tubes of the tunnel which includes the removal of the ceiling slabs in one of the tubes, waterproofing, lighting, ventilation, drainage and electrical upgrades of both tubes; for a revised not-to-exceed amount of \$4,250,000.00.

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



PSPC AWARD

Motion-That the Commission approves the award of service and authorizes the negotiation and execution of an agreement with the selected firm for the items listed in memos "a, b and d" and two firms for the item listed in memo "c":

a. Ref. 5-093, open-end construction inspection services for the roadway and bridge reconstruction from MP A31.73 to MP A45.50;

1. Johnson, Mirmiran & Thompson, Inc.-AWARDED
2. TRC Engineers, Inc.
3. CMC Engineering

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

b. T00005, open-end construction management/construction inspection services for accelerated bridge construction on the Northeast Extension;

1. STV Inc.-AWARDED
2. TRC Engineers, Inc.
3. Volkert, Inc.

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

c. T00012/T00013, two (2) engineering firms to provide open-end construction inspection services from MP 247.00 to MP 359.00 and MP A20.00 to MP A131.00;

1. Navarro & Wright Consulting Engineers, Inc.-AWARDED
2. KCI Technologies-AWARDED
3. CMC Engineering
4. Stantec Consulting Services, Inc.

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

d. RFP 5133, Third Party Administrator services for the Commission's Self-Insured Auto and General Liability Claims.

1. PMA Management Corporation-AWARDED

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



NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be held Tuesday, May 19, 2015 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:00 a.m.- was made by Commissioner Pratt and seconded by Commissioner Deon.