

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

FORMAL TELEPHONE MEETING

JUNE 7, 2016

10:00 A.M.

AGENDA

- A. Roll Call**
 - Sunshine Announcement**
 - Public Participation**

- B. Minutes-May 17, 2016**

- C. Communications- Memo received from the Chief Counsel**

- D. Personnel**

- E. Unfinished Business**

F. NEW BUSINESS

1. **Adopt the revisions to Policy 2.08, Childrearing Leave Without Pay, to clarify appropriate leave usage, benefit coverage and procedures.**

2. **Approve the negotiation and execution of the Agreements and Amendments for the items listed in memos “a” through “e”:**
 - a. **Interagency Agreement with the PA Department of General Services (DGS) for a Capital Police officer to provide security at the Central Office Campus and to transfer a Commission vehicle to DGS for a patrol vehicle for the DGS officer; at an annual base rate of \$90,000.00 and a term of five (5) years;**

 - b. **Agreement with Hewlett Packard Enterprise for hardware/software maintenance agreement (June 1, 2016 – May 31, 2017); at a cost of \$40,104.72;**

 - c. **Six (6) Reimbursement Agreements with Penelec to reimburse Penelec the cost to perform the engineering and utility relocations necessary for the total reconstruction project from MP 149.00 to MP 155.00; at a combined not-to-exceed amount of \$303,599.31;**

 - d. **REMOVED FROM THE AGENDA.** Amendment to our agreements with Highmark and Aetna for their Medicare Advantage plans, exercising the option to renew the agreements for an additional year (January 1, 2017 – December 31, 2017); at an approximate cost of \$300,401.00;

 - e. **Settlement Agreement with Teamsters Local #77 to resolve grievance number 17070 and authorize the Director of Human Resources to execute the agreement.**

3. **Approve the Right-of-Way Requests for the items listed in memos “a” through “r”:**
 - a. **Acquisition of Right-of-Way #17622 (Betty J. Novak), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$7,659.50 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; 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 damages to the property owner is contingent upon her delivery of a deed prepared by the Legal Department;**

 - b. **Acquisition of Right-of-Way #17636 (Thomas R. & JoAnn Guyaux), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$3,533.00 representing fair market value and pro-rated taxes to Thomas R. & JoAnn Guyaux; 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**

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damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of damages to the property owners is contingent upon her delivery of a deed prepared by the Legal Department;

- c. Acquisition of Right-of-Way #3317-B (RLF Schneider SPE, LLC), a partial take parcel necessary for the replacement of Bridge EB-103 at MP 228.54, by authorizing payment of \$7,594.00 representing fair market value and pro-rated taxes to RLF Schneider SPE, LLC; 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 damages to the property owner is contingent upon its delivery of a deed prepared by the Legal Department;
- d. Acquisition of Right-of-Way #17740 (Betty J. & John J. Zirwas), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$3,106.48 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; 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 damages to the property owners is contingent upon her delivery of a deed prepared by the Legal Department;
- e. Temporary construction easement (Cameron H. & Diane C. Fowler) necessary for the replacement of Bridge NB-218 at MP A44.40, by authorizing payment of \$500.00 representing fair market value to Cameron H. & Diane C. Fowler; 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 damages to the property owner is contingent upon their delivery of an executed Temporary Construction Easement prepared by the Legal Department;
- f. Acquisition of Right-of-Way #14107 (Lisbeth E. Mihok), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$6,397.25 representing fair market value and pro-rated taxes to Lisbeth E. Mihok; 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 damages to the property owner is contingent upon her delivery of a deed prepared by the Legal Department;

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- g. Acquisition of Right-of-Way #2117-L (Robert C. Ault), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$24,078.05 representing fair market value and pro-rated taxes to Robert C. Ault; 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 to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;**
- h. Acquisition of Right-of-Way #17390 (Dino W. & Dolores J. Colucci), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$9,135.00 representing fair market value and pro-rated taxes to Dino W. & Dolores J. Colucci, and authorize payment of \$700.00 representing Section 710 Damages to Taczak Law Office, LLC; authorize the appropriate Commission official 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 is contingent upon the delivery of a deed as prepared by the Legal Department;**
- i. Acquisition of property owned by Wilmer W. and Janet Marie Leaman, a total take parcel necessary for future mainline reconstruction and widening by authorizing payment of \$209,430.88 representing fair market value, pro-rated taxes and recording fees to Diversified Settlement Services, Inc., escrow agent; 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 damages to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;**
- j. Settlement of Right-of-Way #7138-A (DRR95TP, LP), a total take parcel necessary for construction of the I-95 Interchange by authorizing payment of \$1,240,000.00 to DRR95TP, LP; and authorize payment of additional statutory delay damages as calculated by counsel and approved by the Chief Counsel;**
- k. Declaration of Restrictive Covenants for Right-of-Way #14210-A (John J. Ghaznavi) to construct a stream mitigation site and authorize the appropriate Commission officials to execute the required documents as prepared by the Legal Department;**
- l. Settlement of Right-of-Way #16419 (Joseph Antoon, Rosemary Antoon Pierce, Theodore Paul Antoon and John Michael Antoon), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Uniontown to Brownsville, by authorizing payment of \$600,000.00 to McDonald Snyder, P.C., escrow agent; and payment of the settlement funds is contingent upon the execution and delivery of a Full and Final Release and Settlement Agreement as approved by the Legal Department;**

F. NEW BUSINESS

- m. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14102 (Dustin Lee Andreis), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$2,600.00 representing estimated just compensation 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;
- n. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17237 (James J. & Judith Shea), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$900.00 representing estimated just compensation 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;
- o. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1025-B (William E. Buaghman), a partial take parcel necessary for the total reconstruction from MP 99.00 to MP 109.00, by authorizing payment of \$500.00 representing estimated just compensation 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;
- p. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17746 (Douglas & Dalene Quinten), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$135,000.00 representing estimated just compensation payable to Clark Hill, PLC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- q. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17683 (Hacker's, Inc.), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$261,280.00 representing estimated just compensation payable 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;
- r. Acquisition of Right-of-Way #17391 (Andrew & Susan Harouse), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$48,383.83 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize the payment additional statutory damages as calculated by the Right-of-Way Administrator and approved by Chief Counsel; and payment of fair market value is contingent upon the delivery of a deed as prepared by the Legal Department.

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4. Approve the issuance of the Pennsylvania Turnpike Commission’s variable and/or fixed rate Oil Franchise Tax Revenue Refunding Bonds in an aggregate principal amount not to exceed \$450,000,000 (based on par amount) in one or more series or subseries, taxable or tax-exempt, senior or subordinate to provide funds to finance the costs of: (a) refunding all or a portion of the prior bonds on a current, advanced and/or forward refunding basis; (b) funding necessary reserves to the extent required for such financing; (c) obtaining one or more credit facilities in connection with the bonds; and (d) paying the costs of issuing the bonds; authorizing the execution, delivery and distribution of the following: (1) one or more Supplemental Trust Indentures to the indenture; (2) one or more Preliminary Official Statements or Preliminary Private Placement Memoranda; (3) one or more Official Statements or Private Placement Memoranda; (4) one or more purchase contracts or private placement agreements; (5) one or more continuing disclosure agreements; (6) one or more escrow deposit agreements; (7) one or more agreements for the provision of one or more credit facilities and/or reserve fund credit facilities and any related agreements; (8) one or more remarketing agreements; and (9) any other necessary or appropriate documents or certificates; authorizing swap agreements; authorizing appointment of co-bond counsel, and one or more underwriters, financial advisors and/or other professionals; authorizing the taking of further action; repealing inconsistent resolutions; and declaring that this resolution shall be liberally construed.
5. Approve the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “j”:
- a. Change Order to the agreement for HVAC controls for Districts 3, 4 & 5 with Automated Logic Contracting Services, Inc., for an additional \$75,800.00 to repair the existing HVAC control system at the Quakertown Interchange;
 - b. Network equipment for the microwave backbone router upgrade-phase 2, utilizing the Commonwealth’s contract with ePlus Technology, Inc.; at a cost of \$1,327,950.20;
 - c. Sodium chloride (winter usage), exercising the option to renew the agreements for an additional year (August 1, 2016 – July 31, 2017); and requesting approval to transfer the unused contingency funds from 2015-2016 of \$3,732,500.00 to the 2016-2017 winter season:

Compass Minerals	\$3,302,789.00
Cargill, Inc.	2,111,578.00
American Rock Salt	137,916.00
Oceanport LLC	<u>169,618.00</u>
TOTAL RENEWAL:	\$5,721,901.00 plus \$3,732,500.00 contingency

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d. Bituminous material (June 1, 2016 – May 31, 2017), to the lowest responsive and responsible bidders:

Lindy Paving	10,000.00	District 1
Lane Construction	10,000.00	District 1
New Enterprise Stone & Lime	45,000.00	District 1 & 2
Hei-Way LLC	10,000.00	District 1 & 4
Eastern Industries, Inc.	5,000.00	District 5
Valley Quarries	5,000.00	District 2 & 3
H&K Materials	10,000.00	District 4 & 5
Silver Hill Quarry	10,000.00	District 3
Dunmore Materials	5,000.00	District 5
Locust Ridge Quarry	5,000.00	District 5
Coopersburg Materials	5,000.00	District 5
South Reading Blacktop	5,000.00	District 5
Sanatoga Blacktop	5,000.00	District 4 & 5
Eckley Asphalt	5,000.00	District 5
Wilkes Barre Materials LLC	5,000.00	District 5
Pennsy Supply - Pittston	10,000.00	District 5
Hempt Bros. Inc.	10,000.00	District 3
Eureka Stone Quarry Inc.	5,000.00	District 4 & 5
Hanson Aggregates PMA Inc.	<u>20,000.00</u>	District 1
TOTAL AWARDS	\$185,000.00	

e. Job Order Contracts, rebid (July 1, 2016 – April 8, 2017), to the lowest responsive and responsible bidders:

General	Clark Contractors, Inc.	\$1,000,000.00	District 1
General	Clark Contractors, Inc.	1,000,000.00	District 2
General	Lobar Associates, Inc.	1,000,000.00	District 3
General	Clark Contractors, Inc.	1,000,000.00	District 4
General	Clark Contractors, Inc.	1,000,000.00	District 5
Plumbing	Clark Contractors, Inc.	\$ 500,000.00	District 4
Plumbing	Clark Contractors, Inc.	<u>500,000.00</u>	District 5
TOTAL AWARDS		\$6,000,000.00	

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- f. **Job Order Contracts (July 1, 2016 – June 30, 2017), exercising the option to renew the agreements for an additional year:**

Electrical	Schultheis Electric/TSB Inc.	0.00	District 1
Electrical	Schultheis Electric/TSB Inc.	300,000.00	District 2
Electrical	IB Abel, Inc.	0.00	District 3
Electrical	Clark Contractors, Inc.	0.00	District 4
Electrical	Clark Contractors, Inc.	450,000.00	District 5
Plumbing	Clark Contractors, Inc.	0.00	District 1
Plumbing	Clark Contractors, Inc.	750,000.00	District 2
Plumbing	Clark Contractors, Inc.	0.00	District 3
HVAC	Marc Service Inc.	0.00	District 1
HVAC	Marc Service, Inc.	500,000.00	District 2
HVAC	Henry Mechanical, Inc.	0.00	District 3
HVAC	Clark Contractors, Inc.	0.00	District 4
HVAC	Clark Contractors, Inc.	<u>0.00</u>	District 5
TOTAL RENEWAL		\$2,000,000.00	

- g. **Systemwide maintenance for Uninterruptible Power Sources (UPS) and batteries for systems manufactured by EATON/POWERWARE (May 1, 2016 – April 30, 2018), to the lowest responsive and responsible bidder, Critical Power USA; at a total award of \$358,384.00 (including contingency);**
- h. **Systemwide maintenance for Uninterruptible Power Sources (UPS) and batteries for systems manufactured by APC/MGE (May 1, 2016 – April 30, 2018), to the lowest responsive and responsible bidder, United Power System, Inc.; at a total award of \$240,689.00 (including contingency);**
- i. **Systemwide maintenance for Uninterruptible Power Sources (UPS) and batteries for systems manufactured by EMERSON/LIEBERT (May 1, 2016 – April 30, 2018), to the lowest responsive and responsible bidder, United Power System, Inc.; at a total award of \$611,434.00 (including contingency);**
- j. **Video Management System, utilizing the Commonwealth’s contract with Berkshire Systems Group, Inc.; at a total award of \$378,046.00.**

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6. **Approve the Award of Contracts for the items listed in memos “a” and “b”:**
 - a. **Contract #A-042.00M001-3-02 for the installation of Intelligent Transportation Systems (ITS) between MP A19.96 and MP A124.29, to the lowest responsive and responsible bidder, Bruce & Merrilees Electric Co.; at a not-to-exceed amount of \$3,719,000.00 and a contingency of \$150,000.00;**
 - b. **Contract #A-115.84S001-3-02 for the elimination of Bridge NB-657 at MP A115.84 and elimination of Bridge S-18485, to the lowest responsive and responsible bidder, Beech Construction, Inc.; at a total award of \$1,252,117.75 and a contingency of \$60,000.00.**

7. **Approve the Change Orders for the items listed in memos “a” through “c”:**
 - a. **Change Order #1 for Contract #EN-00161-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.18 with Lane Construction Corporation, for an additional \$1,100,000.00 for additional work authorizations to repair deteriorated roadway locations throughout the project limits; for a revised not-to-exceed amount of \$3,600,000.00;**
 - b. **Change Order #6 for Contract #T-099.00T002-3-04 for roadway reconstruction from MP 99.05 to MP 101.79 with New Enterprise Stone & Lime Co., Inc., for a decrease of \$1,460,399.09 to balance items to actual work completed, changes for excavation, drainage, erosion and sediment control, subbase, MPT, seeding and soil supplements, backfilling, shoulder extension and pavement replacement; for a revised not-to-exceed amount of \$32,989,595.44;**
 - c. **Change Order #1 for Contract #EN-00167-03-02 for installation of mile marker signs between MP 0.00 and MP 99.05, Toll 376 and Turnpike 66 with Power Contracting Company, for an additional \$53,269.73 for mobilization, MPT, replacement of damaged tenth mile marker signs and a 94-day time extension; for a revised not-to-exceed amount of \$1,012,896.45.**