

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

FORMAL MEETING

JUNE 21, 2016

10:00 A.M.

AGENDA

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

- B. Minutes-June 7, 2016**

- C. Communications-**
 - Memo received from the Chief Counsel**
 - Memo received from the Director of Procurement & Logistics**

- D. Personnel**

- E. Unfinished Business**

F. NEW BUSINESS

1. **Repeal the Bond Resolution, approved at the June 7, 2016 Commission Meeting, for the issuance of the Commission's Oil Franchise Tax Bonds in one or more series or sub-series, fixed rate, taxable or tax-exempt, in an aggregate principal amount not to exceed \$450,000,000.00.**

2. **Approve the negotiation and execution of the Agreements, a Supplement and Amendments for the items listed in memos "a" through "q":**
 - a. **Settlement Agreement and Release with Mark Polyblank, and authorize issuance of the Workers' Compensation settlement amount;**

 - b. **Supplemental Agreement with Kahua for hosting, maintaining and supporting the Project Collaboration and Documentation System (PCDS), for an additional \$140,000.00 to configure existing Kahua apps for staff and our business partners to improve workflow and increase productivity;**

 - c. **Reimbursement Agreement with CSX Transportation to reimburse CSX the cost for the required engineering work and protective services for construction of the Mon/Fayette Expressway, Rt. 51 to I-376; at a not-to-exceed amount of \$250,000.00;**

 - d. **Reimbursement Agreement with PA American Water Company (PAWC) for PAWC to reimburse the Commission the cost for the design, construction and relocation of its utility line necessary for construction of the Southern Beltway, Section 55-A1; at an approximate reimbursement of \$275,000.00;**

 - e. **Reimbursement Agreement with Windstream Communications to reimburse Windstream the cost for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55-A1; at a not-to-exceed amount of \$68,750.00;**

 - f. **Reimbursement Agreement with Peoples Natural Gas (PNG) to reimburse PNG the cost for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55-A1; at a not-to-exceed amount of \$1,500,000.00;**

 - g. **Reimbursement Agreement with Hampton Township Sewer Authority for the Township to reimburse the Commission the cost for the relocation of its utility line necessary for the total reconstruction project from MP 40.00 to MP 44.00 (MP 39.39 and MP 39.89); at an approximate reimbursement of \$57,777.50;**

 - h. **Reimbursement Agreement with Hampton Shaler Water Authority to reimburse the Authority the cost for the engineering and utility relocation work necessary for the total reconstruction project from MP 40.00 to MP 44.00; at a not-to-exceed amount of \$33,389.13;**

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- i. 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;**
- j. Reimbursement Agreement with the Pennsylvania Department of Transportation (PennDOT) to reimburse PennDOT the cost to design and construct an Anti-Icing System on the deck of Bridge WB-427 at MP 42.67, which was replaced as part of the total reconstruction project from MP 40.00 to MP 48.00; at an approximate reimbursement of \$700,000.00;**
- k. Reimbursement Agreement with Midway Sewerage Authority to reimburse the Authority the cost for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55-B; at a not-to-exceed amount of \$220,125.00;**
- l. Reimbursement Agreement with PA American Water Company (PAWC) to reimburse PAWC the cost for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55-B; at a not-to-exceed amount of \$2,092,325.00;**
- m. Letter Agreements, with each of the owners of the various coal seams that may be encountered during construction of the Southern Beltway, Rt. 22 to I-79, to agree to pay the sum of \$1.25 for each ton of coal removed from various properties and sold by the Commission's contractors;**
- n. License Agreements and all appropriate documents to license portions of surplus property in Cumberland County (5 separate parcels) and Chester County (3 parcels) to Sunoco Pipeline, L.P. for the installation of a gas pipeline and parallel occupancy; for a total payment to the Commission of \$200,998.00;**
- o. Settlement Agreement and Mutual Release in the case, Pennsylvania Turnpike Commission v. CECO Associates, Inc., and authorize the appropriate Commission officials to execute the necessary settlement documents in exchange for full and final release of all claims;**
- p. Settlement Agreement and Mutual Release in the case, Hempt Bros., Inc. v. Pennsylvania Turnpike Commission, and authorize the appropriate Commission officials to execute the necessary settlement documents in exchange for full and final release of all claims;**
- q. Amendment to the agreement with Kapsch TrafficCom for electronic toll collection technology, subsystem components and services for revised pricing for on-board units (OBU's) and an extension of the exclusivity period for two (2) years (thru July 16, 2018).**

F. NEW BUSINESS

3. **Approve the Right-of-Way Requests for the items listed in memos “a” through “r”:**
 - a. **Acquisition of Right-of-Way #2065-K (Thomas W. & Sharon J. Stiffler), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$5,836.25 representing fair market value and pro-rated taxes to Thomas W. & Sharon J. Stiffler; 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 as prepared by the Legal Department;**
 - b. **Acquisition of Right-of-Way #6514-C (JKL Properties), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$41,513.28 representing fair market value and pro-rated taxes 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;**
 - c. **Acquisition of Right-of-Way #6526-A (Gregory Scott & Sherri L. Landes), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$41,111.28 representing fair market value and pro-rated taxes to Gregory Scott & Sherri L. Landes; also authorize payment of \$4,000.00 representing Section 710 damages to Duerr Law, P.C.; 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;**
 - d. **Acquisition of Right-of-Way #6531-A (Matthew K. Landis and Kevin C. Landis), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$75,218.83 representing fair market value and pro-rated taxes 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 fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;**

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- e. Acquisition of Right-of-Way #6514-B (North Slope Realty), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$5,039.00 representing fair market value and pro-rated taxes 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #12022-A (Dori & Roy L. Strohecker), a total take parcel necessary for the Beaver River Bridge project by authorizing payment of \$124,237.33 representing fair market value, pro-rated taxes and recording fees to McClain, Young & Patterson, 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 fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #6051-C3 (Estate of Margaret Hope Janes), a partial take parcel necessary for the total reconstruction project from MP 311.00 to MP 319.00 by authorizing payment of \$141,971.41 representing fair market value and pro-rated taxes 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #2117-H (Jason A. Foor), a total take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$26,570.52 representing fair market value and pro-rated taxes to Jason A. Foor; 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 as prepared by the Legal Department;
- i. Acquisition of Right-of-Way #2128-T (Donna M. Foor, Andrew E. Foor & Diane M. Foor), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$15,510.11 representing fair market value and pro-rated taxes to Andrew E. Foor; 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 as prepared by the Legal Department;

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- j. Acquisition of Right-of-Way #6516-B (Ridge Acquisitions, L.P.), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$3,000.00 representing Section 710 fees to PJI Realty Advisors, Inc.;
- k. Acquisition of Right-of-Way #2106-RA (Alice I. Burtnett), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$3,020.25 representing fair market value and pro-rated taxes to Alice I. Burtnett;; 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 owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- l. Acquisition of Right-of-Way #6523-D (Daniel Zeigler), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$53,716.44 representing fair market value and pro-rated taxes to Daniel Zeigler; 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 owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- m. Acquisition of 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 \$425,000.00 representing fair market value and cost to cure damages related to the relocation of its golf course driving range, and authorize the transfer of approximately 17 acres to Hacker's Inc.; authorize the Commission officials to execute the Agreement of Sale, deed 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 the settlement amount is contingent upon the delivery of a deed as prepared by the Legal Department;
- n. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17394 (William R. & Cindy L. Moore), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79; authorize payment of estimated just compensation of \$9,760.00 to counsel to be 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 #17404 (Nino Petrocelli, Jr.), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79; authorize payment of estimated just compensation of \$500.00 to counsel to be 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;

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- p. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17514 (Lillian Stewart), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79; authorize payment of estimated just compensation of \$1,165.00 to counsel to be 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;
 - q. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #3314-A (Toigo Organic Farms), a partial take parcel necessary for the replacement of Bridge EB-103 at MP 228.54; authorize payment of estimated just compensation of \$11,600.00 to counsel to be 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. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6503-A (Jack David Boorse), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00; authorize payment of estimated just compensation of \$1,000.00 to counsel to be 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.
4. Approve advertising for the items listed in memos "a" and "b":
- a. Contract #S-006.00X002-3-06 for construction of the Southern Beltway, SR 576, Section 55A1 between MP S5.08 and MP S8.81;
 - b. Advanced Traffic Management System (ATMS).
5. Approve the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos "a" through "d":
- a. Change Order for maintenance and technical support for Cisco equipment (Smartnet) with ePlus Technology, Inc. for an additional \$144,288.58 for a revised quote as vendor missed a portion of the equipment to be covered; for a revised award of \$632,594.43;
 - b. Liquid calcium chloride (October 1, 2016 – June 30, 2017), to the lowest responsive and responsible bidders:

Envirotech Services Inc.	\$ 95,000.00	District 1
Jet Stream Fuels	150,000.00	District 2, 3 & 5
Innovative Municipal Products	<u>45,000.00</u>	District 4
TOTAL VALUE	\$290,000.00	
Plus Contingency	<u>72,500.00</u>	
TOTAL AWARD	\$362,500.00	

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- c. Loader-mounted snow blower, utilizing the Commonwealth's contract with MJR Equipment, Inc.; at a total award of \$170,524.00;
 - d. Fire protection system inspection and maintenance for District's 1 & 2 (June 2016 – December 31, 2017), to the lowest responsive and responsible bidder, Siemens Industry, Inc.; at a total award of \$399,063.00 for the two (2) years.
6. Approve the Award of Contract #T-001.43R001-3-02 for concrete pavement repairs between MP 1.13 and MP 1.74, to the lowest responsive and responsible bidder, Gulisek Construction, LLC; at a not-to-exceed amount of \$2,018,049.65 and a contingency of \$100,000.00.
7. Approve the Change Orders and Final Payments for the items listed in memos "a" through "e":
- a. Change Order #1 and Final Payment for Contract #EN-00153-03-03 for bridge repairs between MP 109.91 and MP 236.22 with J.P.S. Construction Co., Inc., for a decrease of \$1,413,565.54 to balance items to actual work completed; for a final contract value of \$586,434.46 and final amount due to the contractor of \$29,321.72;
 - b. Change Order #3 and Final Payment for Contract #EN-00027-03-05 for the installation of signs between MP 245.75 and MP 359.00 and MP A20.00 to MP A131.00 with William Orr and Sons, Inc., for a decrease of \$585,235.89 to balance items to actual work completed; for a final contract value of \$414,764.11 and final amount due to the contractor of \$180,666.30;
 - c. Change Order #1 and Final Payment for Contract #A-059.00R002-3-02 for shoulder and slope repairs between MP A57.53 and MP A64.85 with Lehigh Asphalt Paving & Construction Co., for a decrease of \$618,735.26 to balance items to actual work completed, changes for geotextile, excavation, subbase, GSB-88 sealer, bituminous curbing, rock trenches, MPT, asphalt adjustments and drainage and liquidated damages; for a final contract value of \$5,324,648.64 and final amount due to the contractor of \$85,978.11;
 - d. Change Order #1 and Final Payment for Contract #T-039.10R001-3-02 for bituminous resurfacing of the Butler Valley Interchange ramps with The Lane Construction Corporation, for an additional \$204.35 to balance items to actual work completed, additional costs for bituminous pavement patching, class 1 excavation, barrier, drainage, pavement markings and signage; for a final contract value of \$1,114,092.15 and final amount due to the contractor of \$174,359.13;
 - e. Change Order #5 for Contract #A-020.00T002-3-07 for roadway and bridge reconstruction from MP A25.67 to MP A31.34 with Allan A. Myers, LP, for an additional \$274,209.37 for road user costs, installation of sister piles and grout, flowable fill, additional work for the support of excavation at Wambold Road and price adjustment for asphalt and diesel rebates; for a revised not-to-exceed amount of \$208,364,188.68.

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8. **Approve the negotiation and execution of Supplemental Agreement #5 for design management of the total reconstruction projects from MP 0-10, 40-48, 99-109, 312-319, and 320-326 with Urban Engineers, Inc. for an additional \$2,000,000.00 for additional geotechnical engineering and drilling services to provide more detailed information pertaining to the structure foundations, slope widenings and support of excavation during construction for the projects between MP 312.00 and MP 326.00; for a revised not-to-exceed amount of \$30,000,000.00.**

9. **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.**

10. **Approve the award of service and authorize the negotiation and execution of an agreement with the selected firm(s) for the items listed in memos "a" and "b":**
 - a. **RFP #7333; Media planning services:**
 - **Harmelin Media-AWARDED**

 - b. **RFP #7303; Infrastructure cabling maintenance and communication system installation:**
 - **I.B. Abel, Inc.-AWARDED**

11. **Approve reimbursement payment to the E-ZPass Interagency Group (IAG) for expenses incurred in supporting the backup Virtual Private Network (VPN), from July 2015 through December 2015, the amount of \$4,467.17.**