

MINUTES OF THE COMMISSION MEETING HELD JULY 18, 2012

A formal meeting of the Pennsylvania Turnpike Commission convened at 12:20 p.m., July 18, 2012 at the Central Office located in Highspire, Pennsylvania. Available for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esq., Vice 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; Robert F. Brady, Director of Operations/Projects-East; William J. Capone, Director of Communications/Public Relations; Richard S. DiPiero, Director of Fare Collection; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Todd S. Garrison, Director of Maintenance; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Director of Operations/Projects-West; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Joseph P. Suess, Acting Chief Information Officer; 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; John Christensen, Director of FEMO; Renee Colborn, Manager of Media and PR; Carl E. Defebo, Jr., Director of Public Relations & Marketing; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Gina M. Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Bob Rosell, Technician of PC/LAN Systems; Alan Williamson, Engineer Project Manager 3; Thomas Harding, Auditor General's Office; Dean Kohr, Atkins; Arnie Conoline, DRJTBC; Larry Bankert, P.E., Michael Baker, Jr., Inc.; Steve Barber, Michael Baker, Jr., Inc.; Mike Ryan, Michael Baker, Jr., Inc.; Robert Bistline, HNTB; Yassmin Gramian, HNTB; Vince Valovage, Erdman Anthony and Robert Peda, Navarro & Wright.

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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 present.

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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 PROMOTION, NEW HIRES, RECLASSIFICATIONS, EQUITY ADJUSTMENTS,

VACANCIES AND REQUESTS TO POST AND FILL; ABOLISH AND CREATE; REPOST; AND CREATE, POST AND FILL POSITIONS IN THE MAINTENANCE, INFORMATION TECHNOLOGY, HUMAN RESOURCES, ENGINEERING AND FINANCE AND ADMINISTRATION DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED PTC V. HERTZ CORPORATION, DOCKET NO. 00076, PETITION FOR REVIEW, DOCKET NO. 85 MM 2012 AND DOCKET NO. 1:10-CV-2092 AND 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.
THOMAS HARDING, AUDITOR GENERAL'S OFFICE
DEAN KOHR, ATKINS
ARNIE CONOLINE, DRJTBC
LARRY BANKERT, P.E., MICHAEL BAKER, JR., INC.
STEVE BARBER, MICHAEL BAKER, JR., INC.
MIKE RYAN, MICHAEL BAKER, JR., INC.
ROBERT BISTLINE, HNTB
YASSMIN GRAMIAN, HNTB
VINCE VALOVAGE, ERDMAN ANTHONY
ROBERT PEDA, NAVARRO & WRIGHT

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MINUTES OF THE MEETING

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

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COMMUNICATIONS

Motion-That the Commission accepts and files the memos received from the Chief Counsel and the Manager of Strategic Sourcing and Asset Management-was made by Commissioner Lincoln, 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 Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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NEW BUSINESS

POLICY LETTER

Motion-That the Commission adopts the revisions to Policy Letter 6.4, *Vehicle Policy*, to accept revisions to the following:

- the overview and roles and responsibilities of the Vehicle Committee
- new vehicle assignment criteria
- clarification of pool assignments
- mileage reporting requirements

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

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements for the items listed in memos "a" and "d":

- a. Master Intergovernmental Cooperative Purchasing Agreement with Penn DOT for any collaborative projects relating to intelligent transportation, data, weather and information technology;
- d. Agreement with McCormick Taylor & Associates, Inc. to provide advisory services during the implementation phase for the All Electronic tolling (AET) conversion project; at a not-to-exceed amount of \$2,000,000.00;

-was made by Commissioner Deon and seconded by Commissioner Pratt; Commissioner Schoch abstained.

COMMISSIONER SCHOCH: I ABSTAIN ON THE FIRST ITEM ON THE BASIS THAT AS AN EX-OFFICIO MEMBER OF THE COMMISSION AND SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, I WOULD BE VOTING ON AN AGREEMENT BETWEEN TWO PARTIES, BOTH OF WHICH I HAVE A RELATIONSHIP WITH. AND I ABSTAIN ON THE SECOND ITEM DUE TO A PAST BUSINESS RELATIONSHIP/EMPLOYMENT WITH THIS FIRM.

The motion passed.

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

- f. Reimbursement Agreement with PECO Energy Co., to reimburse PECO the costs for the engineering and facility relocation work necessary for the replacement of Bridge NB-177 at MP A34.44; at a not-to-exceed amount of \$68,893.00;

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

VICE CHAIRMAN PRATT: I ABSTAIN ON THIS ITEM BECAUSE THE VENDOR IS A CLIENT OF MY FIRM.

The motion passed.

Motion-That the Commission approves the negotiation and execution of the Agreements, a Work Order and an Amendment for the items listed in memos "b, c, e, g and h":

- b. Reimbursement Agreement with Verizon for the Commission to reimburse Verizon the costs for the engineering and facility relocation work necessary for the replacement of Bridge NB-605 at MP A87.07; at a not-to-exceed amount of \$241,375.00;
- c. Work Order with TransCore for the replacement of obsolete and unsupported vehicle classification devices (VCDII) and lane controller units (LCU) with a combined unit (LPU), including development and production of seven LPU's; at a not-to-exceed amount of \$1,732,895.00;
- e. Agreement with Republic Volunteer Fire Company for fire/rescue coverage on Toll 43 between Exit 18 and Exit 26;
- g. Amendment to our Interagency Agreement with the PA Office of Administration (OA) to assign the Statewide Radio Networks (PA-STARNet) obligation and responsibility to the PA State Police, per the Governor's reorganization;
- h. Reimbursement Agreement with Car Charging Group (CCGI) to reimburse CCGI a portion of the costs to install, maintain, service and operate electric vehicle charging stations at the Commission's service plazas in accordance with the PA DEP Alternative Fuels Incentive Grant Program; at a not-to-exceed amount of \$500,000.00.

-was made by Commissioner Deon; seconded by Commissioner Pratt; 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-k and m-o":

- a. Authorize the acquisition of Right-of-Way #14204-D, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of fair market

- value and pro-rated taxes in the amount of \$36,517.50 payable to Marjory J. Gaul and authorize payment of \$78.50 for recording fees to the Allegheny County Department of Real Estate; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- b. Authorize the acquisition of Right-of-Way #14217-I, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$30,352.50 payable to Kinder Morgan Energy partners, L.P. and authorize payment of \$78.50 for recording fees to the Allegheny County Department of Real Estate; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
 - c. Authorize the acquisition of Right-of-Way #14219-D, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$178,384.00 payable to Nathan J. Zarichnak & Associates, LLC, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
 - d. Authorize the acquisition of Right-of-Way #14205-R1, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of fair market value in the amount of \$500.00 payable to the RLK Property, LLC; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
 - e. Authorize the acquisition of Right-of-Way #6498-E, a partial take parcel, necessary for the replacement of Bridge NB-150 and Bridge NB-152, by authorizing payment of fair market value in the amount of \$500.00 payable to the Township of Lower Salford; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
 - f. Authorize the acquisition of Right-of-Way #4023-A1, a partial take parcel, necessary for the replacement of the Swatara Creek Bridge at MP 251.08, by authorizing payment of fair market value in the amount of \$2,175.00 payable to Middletown & Hummelstown Railroad Company; authorize the appropriate Commission officials to execute the temporary construction easement and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and

payment of the fair market value to the property owner is contingent upon its delivery of a temporary construction easement as prepared by the Legal Department;

- g. Authorize the acquisition of Right-of-Way #8995-R09, a partial take parcel, necessary for the Rt. 903 Slip Ramp at MP 87.07, by authorizing payment of fair market value in the amount of \$825.00 payable to Penn Forest Township; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- h. Authorize the acquisition of Right-of-Way #12067-RD2, a partial take parcel, necessary for the Bridge WB-228 replacement project at MP 22.60, by authorizing payment of fair market value and pro-rated taxes in the amount of \$2,955.95 payable to James D. and Catherine M. Farlow; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon its delivery of a deed as prepared by the Legal Department;
- i. Authorize the acquisition of Right-of-Way #12067-RB1, a partial take parcel, necessary for the Bridge WB-228 replacement project at MP 22.60, by authorizing payment of fair market value and pro-rated taxes in the amount of \$3,669.46 payable to Mark C. Wargo; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- j. Authorize the acquisition of Right-of-Way #17660, a partial take parcel, necessary for construction of the Southern Beltway project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$24,279.23 payable to Fayette Professional Services, Inc., Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- k. Authorize the acquisition of Right-of-Way #17657, a partial take parcel, necessary for construction of the Southern Beltway project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$99,574.37 payable to Fayette Professional Services, Inc., Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon its delivery of a deed as prepared by the Legal Department;

- m. Authorize the acquisition of Right-of-Way #17290, a partial take parcel, necessary for construction of the Southern Beltway project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$60,750.23 payable to Nathan Zarichnak & Associates, LLC, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon its delivery of a deed as prepared by the Legal Department;
- n. Authorize the acquisition of Right-of-Way #17292, a partial take parcel, necessary for construction of the Southern Beltway project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$17,624.76 payable to Nathan Zarichnak & Associates, LLC, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon its delivery of a deed as prepared by the Legal Department;
- o. Authorize the acquisition of Right-of-Way #17739, a partial take parcel, necessary for construction of the Southern Beltway project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$22,341.41 payable to Fayette Professional Services, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon its delivery of a deed as prepared by the Legal Department.

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

Motion-That the commission approves the Right-of-Way Request for the item listed in memo "1":

- 1. Authorize the acquisition of Right-of-Way #17291, a partial take parcel, necessary for construction of the Southern Beltway project, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$100,356.64 payable to Nathan Zarichnak & Associates, LLC, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon its delivery of a deed as prepared by the Legal Department;

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

VICE CHAIRMAN PRATT: OUT OF AN ABUNDANCE OF CAUTION I ABSTAIN ON THIS ITEM BECAUSE THE CLIENTS AND I SHARE THE SAME LAST NAME, ALTHOUGH THEY ARE NOT BELIEVED TO BE RELATIVES OF MINE.

The motion passed.

ADVERTISING

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

- a. Two (2) open-end on-call drilling subsurface and sampling contracts for a not-to-exceed amount of \$600,000.00 each, from the list of Penn DOT pre-qualified drilling companies;
- b. Engineering firm to perform ITS technical construction consultation and design services systemwide, for a not-to-exceed amount of \$900,000.00.

-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-c and e-g":

- a. VistaCom preventative maintenance and service agreement for IT hardware, utilizing the Commonwealth's contract with VistaCom, Inc.; at a total award of \$175,717.00;
- b. One (1) Altec AM60 bucket truck, utilizing the Commonwealth's contract with Altec Industries; at a total award of \$182,806.00;
- c. One (1) catch basin cleaner, utilizing the Commonwealth's contract with GapVax, Inc.; at a total award of \$239,535.00;
- e. Allegheny Tunnel control system service contract, with Siemens Building Technologies; at a total award of \$257,521.00;
- f. Asphalt sealant contract (July 1, 2012-June 30, 2013), to the lowest responsive and responsible bidder, McAsphalt Industries, Ltd.; at a total award of \$350,000.00;
- g. Sludge and residual waste water removal, to the lowest responsive and responsible bidder, Environmental Products & Services; at a total award of \$600,000.00.

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

Motion-Approve the Award of a Bid and the Issuance of a Purchase Order for the item listed in memo "d":

- d. One (1) Mack chassis for catch basin cleaner, utilizing the Commonwealth's contract with Mack Trucks, Inc.; at a total award of \$104,479.38;

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

VICE CHAIRMAN PRATT: I ABSTAIN ON THIS ITEM BECAUSE THE VENDOR IS A CLIENT OF MY FIRM.

The motion passed.

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AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contracts and the Rejection and Re-advertising of a Contract for the items listed in memos "a" through "f":

- a. Contract #A-113.35S001-3-02 for the elimination of Bridge NB-651 at MP A113.35, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$1,030,511.50 and a contingency amount of \$50,000.00;
- b. Reject all bids, as they exceeded PTC estimates, and approve re-advertising for heat detector installation at the Lehigh Tunnel;
- c. Contract #EN-00027-03-05 for installation of signs between MP 245.75 and MP 359.00 and MP A20.00 and MP A131.00, to the lowest responsive and responsible bidder, William Orr & Sons, Inc.; at a not-to-exceed amount of \$1,000,000.00;
- d. Contract #T-020.47S001-3-02 for rehabilitation of six bridges between MP 21.16 and MP 27.60, to the lowest responsive and responsible bidder, The Lane Construction Corporation; at a not-to-exceed amount of \$2,192,945.50 and a contingency amount of \$100,000.00;
- e. Contract #T-186.20F001-3-02 for the Tuscarora Tunnel transformer replacement, to the lowest responsive and responsible bidder, I.B. Abel, Inc.; at a not-to-exceed amount of \$517,251.00 and a contingency amount of \$25,000.00;
- f. Contract #T-075.20S001-3-02 for painting of Bridge B-472A at MP 75.20, to the lowest responsive and responsible bidder, Mosites Construction Company; at a not-to-exceed amount of \$587,540.00 and a contingency amount of \$30,000.00.

-was made by Commissioner Lincoln, 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 "c":

- a. Supplemental Agreement #1 with ms consultants, Inc. for design management of the full depth roadway reconstruction projects from MP 128.00-134.00, MP 149.00-155.00, MP 180.00-186.00 & MP 242.00-245.00, for an additional \$6,000,000.00 to restart the design and advance the construction of these projects as part of the Enhanced Capital Plan;
- b. Supplemental Agreement #1 with Traffic, Planning and Design (TPD) & Associates for design services for the replacement of Bridge EB-730 at MP 317.37, for an additional \$600,000.00 to complete the design of the project including design costs associated with the extensive environmental regulations and permit requirements and additional design effort required with a curved girder bridge design;
- c. Supplemental Agreement #2 with Century Engineering, Inc. for design services for the replacement of Bridge EB-729 at MP 316.58, for an additional \$25,000.00 to update the specifications and other such contract documents to current standards.

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

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CHANGE ORDERS AND FINAL PAYMENTS

Motion-That the Commissioner approves the Change Orders and Change Orders/Final Payments for the items listed in memos "a" through "h":

- a. Change Order #1 and Final Payment for Contract #S-006.00X002-3-02 with Brayman Construction Corporation for structural demolition and/or removal for the Southern Beltway; for a decrease of \$97,056.50 necessary for normal quantity adjustments, credit for parcels that were unable to be demolished, costs for storage and disposal of hazardous materials; for a final contract value of \$500,443.50 and a final amount due to the contractor of \$44,720.43;
- b. Change Order #1 and Final Payment for Contract #EN-00097-03-03 with Handwerk Site Contractors for roadway and miscellaneous repairs between MP 241.87 and MP 298.33; for a decrease of \$184,101.00 necessary for normal quantity adjustments to balance contract items to the actual work completed; for a final contract value of \$565,899.00 and a final amount due to the contractor of \$28,294.95;
- c. Change Order #2 and Final Payment for Contract #T-085.00R002-3-02 with Strawser Construction, Inc. for micro surfacing and shoulder repairs between MP 85.00 and MP 94.13; for a decrease of \$39,705.46 necessary for normal quantity adjustments to balance contract items to the actual work completed; for a final contract value of \$2,199,399.49 and a final amount due to the contractor of \$125,966.26;
- d. Change Order #3 and Final Payment for Contract #T-151.09S002-3-02 with New Enterprise Stone and Lime, Inc. for the replacement of Bridge B-443 at MP 151.09; for an additional \$18,631.62 necessary for normal quantity adjustments to balance contract items to the actual work completed, winter curing, bridge repairs, emergency lane repairs, pile driving, foundation issues, milling and MPT; for a final contract value of \$3,988,693.72 and a final amount due to the contractor of \$378,651.37;
- e. Change Order #2 and Final Payment for Contract #T-149.50T002-3-02 with New Enterprise Stone and Lime, Inc. for the replacement of Bridge B-553 at MP 155.14; for an additional \$71,643.15 necessary for normal quantity adjustments to balance contract items to the actual work completed, additional costs for emergency deck repairs, delay costs due to Hurricane Irene, MPT, lane rental fees, mulching, guiderail and removal of abandoned steel coils; for a final contract value of \$1,782,348.40 and a final amount due to the contractor of \$235,815.40;
- f. Change Order #2 for Contract #EN-00027-03-02 with William Orr and Sons, Inc. for the installation of signs between MP 0.00 and MP 245.75, Turnpike 60, Turnpike 66 and Turnpike 43, for a 62-day time extension due to unanticipated lead times for sign fabrications, extending the completion date to 8/31/12;
- g. Change Order #1 for Contract #EN-00028-03-04 with Hempt Bros., Inc. for access ramp construction at MP 250.30, for a 12-day time extension due to unforeseen conditions for drainage;

- h. Change Order #1 for Contract #T-342.75S001-3-02 with Loftus Construction Inc. for the replacement of Bridge DB-155 at MP 342.75, for an additional \$515,926.76 for corrections to the existing median including additional binder and wearing course required to support heavy traffic during construction stages.

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

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LEGAL REQUESTS

Motion-That the Commissioner approves the negotiation and execution of the Settlement Agreements and Releases; authorize the payment/receipt of the settlement amounts and authorize the appropriate Commission officials to execute the agreements for the items listed in memos "a" through "f":

- a. Settlement Agreement and Release in the *Pennsylvania Turnpike Commission v. Thomas E. Gaiser, et al* case; approve settlement in the amount of \$4,097.00 for claims against Thomas E. Gaiser, and approve settlement in the amount of \$3,000.00 for claims made against Cecil Holler Poultry and its employee David Sager;
- b. Settlement Agreement and Release in the *State Farm Mutual Automobile Insurance Company a/s/o Jonathan Potsko v. PA Turnpike Commission and Charles J. Malpass* case; and authorize issuance of settlement of this claim in the amount of \$6,028.18;
- c. Settlement Agreement and Release in the *Pennsylvania Turnpike Commission v. Corey Stedman, et al* case; and approve settlement in the amount of \$15,031.11 for claims against Agricultural Commodities, Inc. and David MacDannell;
- d. Settlement Agreement in the *Pennsylvania Turnpike Commission v. The Hertz Corporation* case for unpaid tolls and associated administrative fees; and approve the settlement amount;
- e. Settlement Agreement and Release in the *Susan Chamberlain v. PTC* case; and authorize the issuance of a check in the settlement amount;
- f. Settlement Agreement and Release in the *Pennsylvania Turnpike Commission v. Interstate Distributors, Inc.* case; and accept the settlement amount.

-was made by Commissioner Lincoln, seconded by Commissioner Schoch; and passed unanimously.

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CREDIT CARD CONVENIENCE FEE

Motion-That the Commission approves reduction of the credit card payment convenience fee from \$3.00 to \$1.00 and grant approval to the CFO, with concurrence of the CEO, the ability to increase/decrease the credit card convenience fee as necessary to recover the cost of processing credit card transactions.

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

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TOLL INCREASE FOR 2013

Motion-That the Commission approves the 2013 toll increase and related revenue adjustments requests from the Chief Financial Officer:

- Adopt the Mainline proposed annual toll rate increase of 10% for cash customers and 2% for E-ZPass customers effective January 6, 2013;
- Adopt the Southern Beltway proposed toll rate increase of 50% for all vehicle classes;
- Adjust the 2013 toll schedule for Virginia Drive to reflect the proportional tolling methodology developed by CDM Smith, effective January 2013;
- Reduce the commercial volume discount rate from 5% and 10%, to 5% effective January 2013;
- Reduce the E-ZPass annual service fee for non-commercial E-ZPass customers from \$6.00 to \$3.00 per transponder, effective on the account's anniversary beginning January 2013.

-was made by Commissioner Lincoln, seconded by Commissioner Lieberman; Commissioner Pratt voted "No"; the motion passed.

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SWAP AMENDMENTS

Motion-That the Commission authorizes the Chief Financial Officer, with review and approval of the Chief Executive Officer, to enter into certain amendments, novations or other modifications to the Commission's Interest Rate Swaps or other Derivatives Agreements upon advice of swap advisors and counsel; authorizing the taking of further action; repealing inconsistent resolutions; and declaring that this resolution shall be liberally construed-was made by Commissioner Pratt, seconded by Commissioner Deon; and passed unanimously.

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AWARD OF SERVICES

Motion-That the Commission approves the award of services and authorize the negotiation and execution an agreement with the selected firm(s) for the items listed in memos "a" thorough "h":

- a. RFP #3506. Two (2) Marketing/Communications & Public Relations consultant firms:
 1. Bravo Group, Inc.-Awarded
 2. Spencer Advertising & Marketing-Awarded
 3. Triad Strategies, LLC
 4. Tierney

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

- b. RFP #3479. Authorized Service Provider for coverage from MP A56.80 to MP A75.80:
 - 1. Mechanics Plus Towing & Transports, Inc.-Awarded
 - 2. Wrecker International, Inc.-was made by Commissioner Lincoln, seconded by Commissioner Schoch; and passed unanimously.

- c. RFP #3480. Authorized Service Provider for coverage from MP M28.00 to M54.00 on the Mon/Fayette Expressway:
 - 1. Nickolich Towing & Salvage, Inc.-Awarded-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

- d. RFP #3482. Authorized Service Provider for coverage from MP 127.30 to MP 154.10:
 - 1. Interstate Emergency Services, Inc.-Awarded-was made by Commissioner Schoch, seconded by Commissioner Deon; and passed unanimously.

- e. RFP #3542. Authorized Service Provider for coverage on the Amos K. Hutchinson Bypass MP G0.00 to MP G13.40, including all ramps North and South of the US 30 Interchange:
 - 1. Potoka Trucking & Repair-Awarded-was made by Commissioner Schoch, seconded by Commissioner Deon; and passed unanimously.

- f. Ref #3-235. Aerial mapping firm for open-end aerial mapping services, systemwide:
 - 1. BAE Systems Information Solutions-Awarded
 - 2. T3 Global Strategies, Inc.-was made by Commissioner Deon, seconded by Commissioner Schoch; and passed unanimously.

- g. Ref #3-233. Engineering or project management firm for program management services for All Electronic Toll Conversion:
 - 1. HNTB Corporation-Awarded-was made by Commissioners Deon, seconded by Commissioner Lincoln; and passed unanimously.

- h. RFP# 3609. Insurance brokerage services:
 - 1. Conner Strong & Buckelew-Awarded
 - 2. AON Corporation
 - 3. Marsh & McLennan Companies-was made by Commissioner Deon, seconded by Commissioner Lincoln; Commissioner Lieberman abstained.

CHAIRMAN LIEBERMAN: I ABSTAIN ON THIS ITEM BECAUSE THIS IS A BUSINESS WITH WHICH I AM ASSOCIATED.

The motion passed.

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CHAIRMAN LIEBERMAN RECOGNIZED BRAD HEIGEL WHO RECOGNIZED JEFF GARRETT'S RETIREMENT FROM MICHAEL BAKER, JR., INC.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be a formal telephone meeting on Tuesday, August 14, 2012 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 12:46 p.m. -was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

07-18-12

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL AND
THE MANAGER OF STRATEGIC SOURCING AND ASSET MANAGEMENT