

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

FORMAL MEETING

AUGUST 15, 2017

10:00 A.M.

AGENDA

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

- B. Minutes-July 18, 2017**

- 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. **Adopt the revisions to Policy 3.07, Workplace Violence, to reflect operational and procedural changes.**

2. **Approve the negotiation and execution of the Agreements and Amendments for the items listed in memos “a” through “l”:**
 - a. **Assignment of the Lease Agreement between the Commission and Sunoco LP, dated February 2, 2007 to 7-Eleven, due to Sunoco’s sale of approximately 1, 110 convenience stores to 7-Eleven, including the 17 Service Plaza A-Plus convenience stores along the Turnpike;**
 - b. **Amendment to our agreement with AAA Northampton County, Inc. for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - c. **Amendment to our agreement with Giant Food Stores, LLC for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - d. **Amendment to our agreement with Milford Answering Bureau, Inc. d/b/a Pike County Licensing for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - e. **Amendment to our agreement with John’s Driving School and Auto Tags, Inc. for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - f. **Amendment to our agreement with Notary & Copy Stop, Inc. for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - g. **Amendment to our agreement with D & B Quick Notary and Messenger Service for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - h. **Amendment to our agreement with A & S Katz, LLC for E-ZPass distribution, exercising the option to renew the agreement for an additional year;**
 - i. **Reimbursement Agreement with Norfolk Southern Railroad to reimburse the railroad the cost for engineering and protective services necessary for repairs to Bridge NB-327 at MP A51.76; at a not-to-exceed amount of \$100,000.00;**
 - j. **Release and Settlement Agreement with Elizabeth Allum, and authorize payment of the settled amount;**
 - k. **Assignment Agreement with IJN Inc, (d/b/a Beth’s Barricades), to assign its agreements and Purchase Orders for smart work zone systems for the I-276/I-95 Interchange Project and the total reconstruction project from MP A26.00 to MP A31.00, to RoadSafe Traffic Systems, Inc., due to the sale of IJN, Inc. to RoadSafe Traffic Systems, Inc.;**

F. NEW BUSINESS

- I. **Interagency Agreement with the Pennsylvania Department of State (DOS) for the DOS to provide facilities and hearing officers to conduct administrative proceedings for toll violations as set forth in Act 165 of 2016.**
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3. **Approve the Right-of-Way Requests for the items listed in memos “a” through “o”:**
 - a. **Adopt the proposed Property Acquisition Resolution for Right-of-Way #14126 (James J. & Cheryl L. Bowman, and Big Sand Drilling Company, Inc.), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of Estimated Just Compensation in the amount of \$171,700.00 to Babst, Calland, Clements and Zomnir 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;**
 - b. **Acquisition of Right-of-Way #17971-4 (Fairfield Southpointe, L.P.-owner; Pittsburgh Stone and Waterscapes, LLC-tenant), a partial take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$3,000.00 representing moving payment to Pittsburgh Stone and Waterscapes, LLC; authorize the appropriate Commission officials to execute the Settlement Agreement and other documents that may be required for closing; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;**
 - c. **Acquisition of Right-of-Way #1034-A1 (Heartland Group, Inc.), a partial take parcel necessary for the reconstruction of Bridge B-502 at MP 110.12 by authorizing payment of \$30,000.00 representing fair market value to Heartland Group, Inc.; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents as may be required for closing; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of the fair market value is contingent upon the delivery of a deed as prepared by the Legal Department;**
 - d. **Acquisition of Right-of-Way #14079-W (Gerald R. Bahnak, and Fernando A. & Patricia Polimadei), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$49,506.84 representing fair market value, pro-rated taxes and recording fees to ARROW Land Solutions, LLC, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize 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;**

F. NEW BUSINESS

- e. **Adopt the proposed Property Acquisition Resolution for Right-of-Way #1104-C (Paul Francis Will, Audrey Marie Benning, Mary Alice Hobson, John J. Will, Nancy T. Trentini, Donna L. Suder, Gail E. Will, Eugene T. Will, Henry G. Will, Edward C. Will, Patrick S. Will, Kevin R. Will, Ronald H. Will, and Virginia A. Lambert); a partial take parcel necessary for the total reconstruction project from MP 129.00 to MP 133.00 by authorizing payment of \$7,000.00 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;**

- f. **Acquisition of Right-of-Way #14079-RJ (Michael McDonough), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$102,455.64 representing fair market value, pro-rated taxes and recording fees to ARROW Land Solutions, LLC, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize 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;**

- g. **Acquisition of Right-of-Way #14079-RF (Eugene J. Hayhurst), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$86,483.66 representing fair market value, pro-rated taxes, recording fees, housing supplement and closing costs to ARROW Land Solutions, LLC, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize 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 his delivery of a deed as prepared by the Legal Department;**

- h. **Settlement of Right-of-Way #17965 (George A. & Miriam M. Siders d/b/a M&G Construction), a total take parcel necessary for construction of the Southern Beltway, US 22 to I-79 by authorizing payment of \$174,900.00 representing settlement funds to The Law Office of Robert J. Wratcher, LLC, escrow agent; and payment of the settlement funds is contingent upon the execution and delivery of a full and final settlement and release of claims as approved by the Legal Department;**

- i. **Acquisition of Right-of-Way #14129A-1 (Jerry Mazza, and Daniel D. Vogel d/b/a Dan's Lawn Service) necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$40,322.50 representing business dislocation damages to Daniel D. Vogel, d/b/a Dan's Lawn Service; authorize the appropriate Commission officials to execute the Settlement Agreement and all other documents that may be required for closing; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;**

F. NEW BUSINESS

- j. Adopt the proposed Acquisition Resolution for Right-of-Way #14083-C (Plum Aqua Club), a total take parcel necessary for the total reconstruction project from MP 53.00 to MP 57.00 by authorizing payment of \$940,000.00 representing fair market value 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;**
- k. Acquisition of Right-of-Way #17729 (Columbia Gas Transmission, LLC), a total take parcel necessary for construction of the Southern Beltway, US. 22 to I-79, by authorizing payment of \$11,375.50 representing fair market value 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 its delivery of a deed prepared by the Legal Department;**
- l. Settlement of Right-of-Way #17723 (Daniel A. Machek, Lucas Miller), a partial take parcel necessary for construction of the Southern Beltway, US. 22 to I-79, by authorizing payment of \$240,298.88 representing fair market value, pro-rated taxes and recording fees to Coon & Company, Escrow Agent; and payment of the settlement amount to the property owner is contingent upon its delivery of a deed and full and final release of claims as prepared by the Legal Department;**
- m. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R25 (Ronald J. & Priscilla A. Dreiling and Ruby Tuesday, Inc.), a partial take parcel necessary for the reconstruction of Bridge B-502 at MP 110.12 by authorizing payment of \$2,300.00 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. Acquisition of Right-of-Way #6502-B (Eileen M. Dickson and D&D Development Properties, LLC), a total take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$1,504,602.71 representing fair market value and pro-rated taxes to Eileen M. Dickson and D&D Development Properties, LLC; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required at 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 fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;**

F. NEW BUSINESS

- e. Stone, slag and gravel aggregates (September 1, 2017 – August 31, 2018), to the lowest responsive and responsible bidders:

Hansen Aggregates	\$ 31,000.00	Homewood, Gibsonia, Searights, Greensburg, Donegal, Jefferson Hills
New Enterprise Stone & Lime	68,000.00	Homewood, Gibsonia, Searights, Greensburg, Harrison City, Dongeal, Jeff Hills, Somerset, Kegg, Everett, Burnt Cabins, Newville, Mt. Gretna, Bowmansville, Slatington
Hempt Bros.	1,000.00	New Cumberland
Silver Hill Quarry	3,000.00	Bowmansville
Glasgow	3,500.00	Devault, Plymouth Meeting
Douglassville Quarry	8,000.00	Devault, Plymouth Meeting
Eureka Stone Quarry	3,000.00	Trevose
Martin Stone Quarries	5,000.00	Quakertown
Locust Ridge	5,000.00	Pocono
Wilkes-Barre Materials	5,000.00	Wyoming Valley
Pennsy Supply	11,000.00	Newville, New Cumberland, Mt. Gretna
H&K Naceville Materials	500.00	Quakertown
Plumstead Materials	3,000.00	Trevose
Naceville Material-Joint Venture	500.00	Quakertown
Lindy Paving	<u>15,000.00</u>	Homewood, Gibsonia
TOTAL AWARDS:	\$162,500.00	

- f. Unleaded gasoline (September 1, 2017 – August 3, 2018), to the lowest responsive and responsible bidders:

Petroleum Traders	\$390,000.00	Homewood, Jeff Hills, Harr. City, Pocono, Wyoming Valley
Glassmere Fuel	308,000.00	Gibsonia, Donegal, Greensburg
Bedford Valley Petroleum	365,000.00	Searights, Kegg, Everett, Burnt Cabins
Talley Petroleum	337,000.00	New Cumberland, Mt. Gretna, Bowmansville, Slatington
PAPCO, Inc.	133,000.00	Newville
Riggins, Inc.	<u>208,000.00</u>	Devault, Trevose, Quakertown
TOTAL AWARDS:	\$1,741,000.00	

- g. Fuel additives (through April 30, 2018), to the lowest responsive and responsible bidder, Penn Diesel Service Co.; at a total award of \$125,000.00.

6. Approve the Award of Contract #S-006.00X002-3-22 for construction of Cashless Tolling on Turnpike 576, Section 54ABC between MP S0.62 and MP S5.70, to the lowest responsive and responsible bidder, Golden Triangle Construction Co., Inc.; at a not-to-exceed amount of \$4,772,158.65 and a contingency of \$225,000.00.

F. NEW BUSINESS

7. Approve the Change Orders and Final Payments for the items listed in memos "a" through "f":
 - a. Change Order #1 and Final Payment for Contract #EN-00162-03-03 for bridge repairs between MP 109.91 and MP 236.22 with J.P.S. Construction Co., Inc., for a decrease of \$949,475.14 to reflect actual cost of the completed work authorizations; for a final contract value of \$1,050,524.86 and final amount due to the contractor of \$52,526.24;
 - b. Change Order #2 and Final Payment for Contract #EN-00115-03-02 for installation of signs along Toll I-376, Turnpike 66 and Turnpike 43 with Green Acres Contracting Co., Inc., for a decrease of \$4,083,589.52 to reflect actual cost of the completed work authorizations; for a final contract value of \$916,410.48 and final amount due to the contractor of \$21,762.33;
 - c. Change Order #3 and Final Payment for Contract #EN-00161-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.18 with Lane Construction Corp., for a decrease of \$127,774.15 to reflect actual cost of the completed work authorizations; for a final contract value of \$3,872,225.85 and final amount due to the contractor of \$193,611.29;
 - d. Change Order #2 for Contract #EN-00198-03-07 for roadway and miscellaneous repairs between MP A57.22 and MP A130.64 with Road-Con, Inc., for an increase of \$1,300,000.00 for additional shoulder reconstruction, pipe placement and bituminous pavement patching; for a revised not-to-exceed amount of \$3,700,000.00;
 - e. Change Order #1 for Contract #EN-00198-03-06 for roadway and miscellaneous repairs between MP 299.98 and MP 358.11 and between MP A20.00 and MP A57.22 with Road-Con, Inc., for an increase of \$1,100,000.00 for repairs to the roadway, shoulders and slopes; for a revised not-to-exceed amount of \$4,100,000.00;
 - f. Change Order #1 and Final Payment for Contract #T-312.00R001-3-02 for bituminous resurfacing between MP 312.25 and MP 319.32 with Reading Site Contractors, for a decrease of \$265,934.97 to balance items to actual work completed, and changes for pavement patching, repaving approach at MP 314.18, inlet repairs, 4" pavement markings and manhole cover replacement; for a final contract value of \$4,595,816.79 and final amount due to the contractor of \$199,202.78.

8. Approve the negotiation and execution of Supplemental Agreement #2 with ALCM, LLC for construction management/inspection services for the roadway and bridge reconstruction from MP 215.00 to MP 227.00, for an additional \$1,501,072.10 for an increase in construction duration, additional home office construction management support, and additional construction consultation services; for a revised not-to-exceed amount of \$13,995,785.86.

F. NEW BUSINESS

- 9. Authorize the approval of the issuance of the Pennsylvania Turnpike Commission’s variable rate Turnpike revenue bonds or notes, in one or more series or sub-series, taxable or tax-exempt, in an aggregate initial principal amount not to exceed \$250,000,000 (based on par amount), for the purpose of financing the current refunding of all or a portion of certain outstanding turnpike variable rate revenue bonds previously issued by the Pennsylvania Turnpike Commission, in each case including funding any necessary reserves, the cost of credit facilities and/or reserve fund credit facilities and capitalized interest; authorizing the execution, delivery and distribution of the following: (1) one or more supplemental trust indentures for the bonds; (2) one or more preliminary official statements or preliminary private placement memoranda, or equivalent; (3) one or more official statement or private placement agreements, or equivalent; (4) one or more purchase contracts or private placement agreements, or equivalent; (5) agreements for the provision of one or more credit facilities and/or reserve fund credit facilities and any related agreements; (6) one or more remarketing agreements; (7) one or more continuing disclosure agreements; (8) one or more interest rate swaps or other derivatives, or amendments to or terminations of existing interest rate swaps; (9) one or more escrow deposit agreements; and (10) any other necessary or appropriate documents or certificates; providing for the appointment of bond counsel, co-bond counsel and disclosure counsel; appointing the co-financial advisors and providing for the appointment of one or more underwriters and/or other professionals; and making a declaration of official intent that the Commission be reimbursed from bond proceeds for certain expenditures paid prior to the issuance of such bonds; authorizing the taking of further action; repealing inconsistent resolutions; and declaring that this resolution shall be liberally construed.**

- 10. Approve the award of services and authorize the negotiation and execution of an agreement with the selected firm(s) for the items listed in memos “a” through “e”:**

 - a. RFP #7732, pre-employment background screening services;**
 - b. T00064, open-end quality assurance auditing services systemwide;**
 - c. T00061, open-end construction technical and management services, systemwide;**
 - d. T00050/T00051, two (2) right-of-way acquisition services for the Mon/Fayette Expressway, Rt. 51 to I-376;**
 - e. T00056/T00057, two (2) open-end geotechnical services systemwide.**