

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

FORMAL TELEPHONE MEETING

AUGUST 16, 2011

10:00 A.M.

AGENDA

- A. Roll Call
Sunshine Announcement
Public Participation**
- B. Minutes-July 19, 2011**
- C. Communications-
Memo received from the Chief Counsel
Memos received from the Director of Operations Review
Memo received from the Manager of Strategic Sourcing and Asset Management**
- D. Personnel**
- E. Unfinished Business**

F. NEW BUSINESS

- 1. Adopt the Resolution ratifying the investments, reinvestments and liquidations of securities with available cash, as described in the memo from the Assistant Chief Financial Officer dated August 3, 2011.**

- 2. Approve the negotiation and execution of the Amendments, Agreements, Lease Agreement and Work Order; and grant approval to solicit cost estimates for the items listed in memos “a” through “o”:**
 - a. Amendment to our agreement with Green’s Road and Towing Service, an authorized service provider covering Toll 576 (exits 1-6); to extend the agreement on a month-to-month basis until a provider is selected via the RFP process;**

 - b. Amendment to our agreement with Greenhorne & O’Mara, Inc. for Project Collaboration System (Constructware), to exercise our first option to renew the agreement for an additional year; at an addition not-to-exceed cost of \$693,972.67;**

 - c. Amendment to our agreement with Environmental Products Services for spill response, to exercise our option to renew the agreement for an additional two years;**

 - d. Amendment to our agreement with McCutcheon Enterprises for spill response, to exercise our option to renew the agreement for an additional two years;**

 - e. Reimbursement Agreement with Middletown and Hummelstown Railroad to reimburse the Railroad for the costs associated with the replacement of the Swatara Creek Bridge at MP 251.08; at a not-to-exceed amount of \$75,000.00;**

 - f. Agreement with Wal-Mart, Inc. to market E-ZPass in their Pennsylvania stores;**

 - g. Reimbursement Agreement with the Municipal Authority of Westmoreland County to reimburse the Authority for the costs associated with the replacement of Bridge WB-506 at MP 63.06; at a not-to-exceed amount of \$28,419.00;**

 - h. Amendment to our agreement with Voicenet Communications, Inc. for website consulting services; to increasing the not-to-exceed amount to \$900,000.00 annually;**

 - i. Solicit cost estimates for design and construction consultants and toll system integrator, to change the toll system classification type currently designed for SR29 All-Electronic Interchange, from an axle based classification system to a weight based classification system;**

 - j. Lease Agreement with Berks County to permit the County to lease up to 3,600 square feet of space and to construct a communications tower within the PTC Conestoga Radio Tower compound. The term of the lease would be for 15-years**

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and annual remuneration to be negotiated between the Commission and the County;

- k. **Settlement Agreement and a Release in the case, *Pennsylvania Turnpike Commission v. Interstate Distributors, Inc.*;**
 - l. **Settlement Agreement and a Release in the case, *Hempt Brothers, Inc. f/t/u/a/b/o Green Acres Contracting v. Pennsylvania Turnpike Commission*; and authorize payment for the settlement amount;**
 - m. **Work Order #28 with TransCore to procure spare violation enforcement equipment from Science Applications International Corporation; at a not-to-exceed amount of \$286,939.00;**
 - n. **Recommendations from the Professional Services Procurement Committee (PSPC) with the first two (2) firms listed, to provide open-end Engineering Design Services systemwide; at a not-to-exceed amount of \$850,000.00 each:**
 - Borton-Lawson Engineering, Inc.**
 - The EADS Group, Inc.**
 - McMahon Associates, Inc.**
 - Greenhorne & O'Mara, Inc.**
 - TIE**
 - Sucevic, Piccolomini & Kuchar Engineering, Inc.**
 - o. **Recommendation from the Professional Services Procurement Committee (PSPC) with the first firm listed, to provide mechanical/electrical service at the CAB, TIP and Steelton Warehouse; at a not-to-exceed amount of \$454,435.00 annually and \$60,000.00 annually for equipment repair/replacement:**
 - G.R. Sponaugle**
 - Johnson Controls, Inc.**
3. **Approve the Right-of-Way Requests for the items listed in memos "a" through "q":**
- a. **Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R04, a partial take parcel, necessary for the Somerset Interchange Five Legged Intersection project; authorize payment of Estimated Just Compensation in the amount of \$58,000.00, payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
 - b. **Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R20, a partial take parcel, necessary for the Somerset Interchange Five Legged Intersection project; authorize payment of Estimated Just Compensation in the amount of \$163,000.00, payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and authorize payment of statutory damages and costs as**

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calculated by the Legal Department and approved by the Chief Executive Officer;

- c. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R09, a partial take parcel, necessary for the Somerset Interchange Five Legged Intersection project; authorize payment of Estimated Just Compensation in the amount of \$500.00, payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
- d. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R05, a partial take parcel, necessary for the Somerset Interchange Five Legged Intersection project; authorize payment of Estimated Just Compensation in the amount of \$226,000.00, payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
- e. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R08, a partial take parcel, necessary for the Somerset Interchange Five Legged Intersection project; authorize payment of Estimated Just Compensation in the amount of \$69,000.00, payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
- f. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1031-R16, a partial take parcel, necessary for the Somerset Interchange Five Legged Intersection project; authorize payment of Estimated Just Compensation in the amount of \$143,700.00, payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
- g. Transfer 0.021 acres of drainage easement and 0.016 acres of slope easement to the Pennsylvania Department of Transportation, necessary for the DOT's construction, operation and maintenance of State Route 29, Section AL2, Chester County; and authorize the execution of an Interagency Agreement and the deed as prepared by the Legal Department;**
- h. Authorize the acquisition of Right-of-Way #1023-G, a partial take parcel, necessary for the total reconstruction project from MP 99.00 to MP 109.00; by issuing payment in the amount of \$2,313.58, payable to David Stahl, representing fair market value and pro-rated taxes; authorize the appropriate Commission officials to execute the agreement of sale and other required closing documents; authorize the payment of additional statutory damages as calculated by the Legal**

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Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;

- i. Authorize the acquisition of Parcel 39, a partial take parcel, necessary for the total reconstruction project from MP 99.00 to MP 109.00; by issuing payment in the amount of \$500.00, payable to Frank & Rhonda Steele, representing fair market value; authorize the appropriate Commission officials to execute the temporary construction easement; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; 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;**
- j. Authorize the acquisition of Right-of-Way #3189-A, a partial take parcel, necessary for the total reconstruction project from MP 199.00 to MP 227.00; by issuing payment in the amount of \$16,594.65, payable to Coon & Company, Escrow Agent, representing fair market value and pro-rated taxes; authorize the appropriate Commission officials to execute the agreement of sale; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;**
- k. Authorize the acquisition of Right-of-Way #9564-RF, a partial take parcel, necessary for Bridge NB-736 reconstruction project; by issuing payment in the amount of \$500.00, payable to Shady Lane Realty Corp., representing fair market value; authorize the appropriate Commission officials to execute the Temporary Construction Easement; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;**
- l. Authorize the acquisition of Right-of-Way #8995-R14, a partial take parcel, necessary for the Rt. 903 Slip Ramp project; by issuing payment in the amount of \$4,014.40, payable to Emrich & Cynthia Stellar, representing fair market value and pro-rated taxes; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owners is contingent upon their delivery of a deed as prepared by the Legal Department;**
- m. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1008-D, a partial take parcel, necessary for the total reconstruction project from MP 99.00 to MP 109.00; authorize payment of Estimated Just Compensation in the amount of \$2,100.00, payable to McDonald, Snyder & Lightcap, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**

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- n. **Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14214-B, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation in the amount of \$14,800.00, payment made at a later date upon selection of counsel; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
 - o. **Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14071-B, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation in the amount of \$10,700.00, payment made at a later date upon selection of counsel; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
 - p. **Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14211-RD, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation in the amount of \$1,600.00, payment made at a later date upon selection of counsel; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;**
 - q. **Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14210-A, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation in the amount of \$10,500.00, payment made at a later date upon selection of counsel; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer.**
4. **Approve advertising for the items listed in memos “a” through “d”:**
 - a. **Authorized Service Provider for coverage MP 188.70 to MP 226.30;**
 - b. **Authorized Service Provider for coverage from MP 292.60 to MP 312.00;**
 - c. **Authorized Service Provider for coverage on the Beaver Valley Expressway from MP B27.50 to MP B44.80;**
 - d. **Advertise for two (2) on-call Drilling Subsurface and Sampling Contracts to perform drilling services systemwide.**
 5. **Approve the Award of Bids and the Issuance of Purchase Orders for the items listed in memos “a” through “h”:**
 - a. **Sodium Chloride (October 1, 2011-May 31, 2012), to the lowest responsive and responsible bidders:
Cargill Inc.-Deicing Tech. \$ 9,500,000.00**

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American Rock Salt Co. LLC	<u>\$ 2,000,000.00</u>
TOTAL	<u>\$11,500,000.00</u>
Plus 25% contingency:	<u>\$ 2,875,000.00</u>
TOTAL AWARD:	<u>\$14,375,000.00</u>

- b. **One (1) 3-cubic yard loader with attachments, utilizing the Commonwealth's contract with Groff Tractor & Equipment, Inc.; for a total award of \$156,073.80;**
 - c. **One (1) Boom Arm Mower, utilizing the Commonwealth's contract with Tiger Corporation; for a total award of \$107,348.30;**
 - d. **Q1 Labs QRadar SIEM (Security Incident and Event Monitoring), utilizing the Commonwealth's contract with Eplus; for a total award of \$137,271.98;**
 - e. **Two (2) Road Sweeper Vacuums, utilizing the Commonwealth's contract with US Municipal Supply; for a total award of \$460,636.60;**
 - f. **One (1) Mechanical Road Sweeper, utilizing the Commonwealth's contract with H A Dehart & Sons; for a total award of \$223,949.19;**
 - g. **Ten(10) React Attenuator Units for Pocono Interchange, to M. H. Corbin, Inc.; at a total award of \$389,430.00;**
 - h. **One (1) Altec AM60E Bucket Truck; utilizing the Commonwealth's contract with Altec Industries; at a total award of \$171,288.00.**
6. **Approve the Award of Contracts for the items listed in memos "a" and "b":**
- a. **Contract #A-120.40R001-3-02 for bituminous resurfacing between MP A120.40 and MP 125.10, to the lowest responsive and responsible bidder, Pennsy Supply, Inc.; at a total award of \$2,489,116.20 and a contingency amount of \$100,000.00;**
 - b. **Contract #A-025.67R001-3-02 for bituminous resurfacing between MP A25.67 and MP A31.13, to the lowest responsive and responsible bidder, Reading Site Contractors; at a total award of \$2,073,192.92 and a contingency amount of \$100,000.00.**
7. **Approve the Property Damage Claim write-off and legal request; adopt the revised Policy Letters; authorize the Bond Resolution for the items listed in memos "a" through "f":**
- a. **Write-off of \$27,053.95 for Property Damage Claim #05-040-342;**
 - b. **Settlement Agreement, Release and the issuance of a check in the case, Docket No. 1:10-cv-00494;**

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- c. **Revised Policy Letter, 2.2, Equal Opportunity, to include Genetic Information Nondiscrimination Act (GINA) information;**
- d. **Revised Policy Letter 10.1, Right-to-Know Law, to ensure consistency with current law and to update operating procedures;**
- e. **Revised Policy Letter, 7.1, Investment Policy and Guidelines, to allow continued purchases of Government Sponsored Enterprise securities in the wake of the recent S&P downgrading;**

REMOVED FROM THE AGENDA

- f. AUTHORIZE THE ISSUANCE OF THE PENNSYLVANIA TURNPIKE COMMISSION'S TURNPIKE REVENUE BONDS, SUBORDINATE REVENUE BONDS AND SPECIAL REVENUE BONDS, INCLUDING BOND ANTICIPATION NOTES, COMMERCIAL PAPER, A LINE OF CREDIT, OR OTHER SHORT-TERM INDEBTEDNESS, IN ONE OR MORE SERIES OR SUB-SERIES, FIXED RATE OR VARIABLE RATE, TAXABLE OR TAX-EXEMPT, IN A SINGLE ISSUANCE OR FROM TIME TO TIME, SUBJECT TO CERTAIN LIMITATIONS ON PRINCIPAL AMOUNT SET FORTH HEREIN, IN AN AGGREGATE INITIAL PRINCIPAL AMOUNT NOT-TO-EXCEED \$250,000,000 IN THE CASE OF SHORT TERM FINANCING AND \$400,000,000 IN THE CASE OF SUBORDINATE REVENUE BONDS, TO FINANCE OR REFINANCE THE COSTS OF (A) MAKING LEASE, GRANT OR OTHER PAYMENTS TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH ACT 44, (B) REIMBURSING THE PENNSYLVANIA TURNPIKE COMMISSION FOR PAYMENTS PREVIOUSLY MADE TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH ACT 44, (C) REFUNDING THE PENNSYLVANIA TURNPIKE COMMISSION'S VARIABLE RATE TURNPIKE REVENUE BONDS, SERIES C OF 2009, MATURING ON DECEMBER 1, 2011, (D) ANY DEBT SERVICE RESERVE OR SIMILAR FUNDS, CREDIT FACILITY COSTS OR CAPITALIZED INTEREST RELATED TO SUCH BONDS, (E) REFUNDING ANY BOND ANTICIPATION NOTES, COMMERCIAL PAPER OR OTHER SHORT-TERM INDEBTEDNESS ISSUED BY THE PENNSYLVANIA TURNPIKE COMMISSION FOR ANY OF THE FOREGOING PURPOSES, AND (F) ISSUANCE OF SUCH BONDS; AUTHORIZING THE EXECUTION, DELIVERY AND DISTRIBUTION OF THE FOLLOWING: (1) ONE OR MORE SUPPLEMENTAL TRUST INDENTURES, (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 REMARKETING AGREEMENTS, (6) ONE OR MORE CONTINUING DISCLOSURE AGREEMENTS, (7) ONE OR MORE ESCROW DEPOSIT AGREEMENTS, (8) DOCUMENTS RELATED

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TO THE PLEDGE OF MOTOR LICENSE FUND MONIES FOR SPECIAL REVENUE BONDS AND (9) ANY OTHER NECESSARY OR APPROPRIATE DOCUMENTS OR CERTIFICATES; AUTHORIZING THE ACQUISITION OF ONE OR MORE CREDIT FACILITIES AND THE EXECUTION AND DELIVERY OF ANY RELATED AGREEMENTS; AUTHORIZING THE TAKING OF FURTHER ACTION; REPEALING INCONSISTENT RESOLUTIONS; APPOINTING CO-BOND COUNSEL AND PROVIDING FOR THE APPOINTMENT OF ONE OR MORE UNDERWRITERS AND REMARKETING AGENTS; DECLARING THE PENNSYLVANIA TURNPIKE COMMISSION'S OFFICIAL INTENT THAT IT BE REIMBURSED FROM BOND PROCEEDS FOR CERTAIN EXPENDITURES PAID PRIOR TO THE ISSUANCE OF SUCH BONDS; AND DECLARING THAT THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED.

8. **Approve the Change Order, Change Order/Final Payment and a Supplement for the items listed in memos "a" through "c".**
 - a. **Change Order #8 for Contract #T-031.20T003-3-01 with Joseph B. Fay Company for roadway and bridge reconstruction from MP 31.04 to MP 37.82; for an increase of \$378,245.07;**
 - b. **Change Order #4 and Final Payment for Contract #T-154.42F003-3-02 with Clark Contractors, Inc. for Fare Collections Warehouse/Office Building at the Everett Maintenance Facility, for a decrease of \$21,452.45; making the final contract value \$3,851,364.34 and the final amount due of \$78,987.29;**
 - c. **Supplemental Agreement with Adesta, LLC for the installation of Intelligent Transportation Systems, for an increase of \$390,310.37; increasing the not-to-exceed amount to \$9,002,330.26.**
9. **Recommendation to approve the Settlement Agreement and Release with the Department of Transportation regarding lease payments and authorize Commission officials to execute it with the concurrence of Commission Pratt and Commissioner Deon.**
10. **Approve the negotiation and execution of a Settlement Agreement and Release in the case, *Patricia Giorno v. Pennsylvania Turnpike Commission et al.*, and authorize the issuance of payment for the settlement amount.**