

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

FORMAL TELEPHONE MEETING

SEPTEMBER 2, 2014

10:00 A.M.

AGENDA

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

- B. Minutes-August 19, 2014**

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

- D. Personnel**

- E. Unfinished Business**

F. NEW BUSINESS

- 1. Authorize the issuance of the Pennsylvania Turnpike Commission's variable and/or fixed rate Turnpike Revenue Refunding Bonds, in one or more series or sub-series, taxable or tax-exempt, in an aggregate principal amount not to exceed \$300,000,000, to finance (a) the current refunding of its Turnpike Revenue Bonds, Series A of 2004, (b) the funding of necessary reserves or similar funds, (c) capitalized interest related to such bonds, if any, and (d) costs of issuance of such bonds; authorizing the execution, delivery and distribution of the following for the bonds: (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) agreements for the provision of one or more credit facilities or 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, (9) one or more Reserve Fund Forward Delivery Agreements or Amendments to or terminations of existing Reserve Fund Forward Delivery Agreements, and (10) any other necessary or appropriate documents or certificates; appointing bond counsel, the financial advisor and other professionals, and providing for the appointment of one or more underwriters; 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; authorizing the taking of further action; repealing inconsistent resolutions; and declaring that this resolution shall be liberally construed.**

- 2. Approve the negotiation and execution of the Agreements, a Memorandum of Understanding and an Amendment for the items listed in memos "a" through "i":**
 - a. Reimbursement Agreement with Norfolk Southern Railroad to reimburse the railroad the cost to perform the engineering and protective services work necessary for the replacement of Bridge WB-206 at MP 12.58; at a not-to-exceed amount of \$250,000.00;**

 - b. Reimbursement Agreement with Duquesne Light Company to reimburse Duquesne Light the cost to perform the engineering and facility relocation work necessary for the replacement of Bridge WB-429 at MP 43.13; at a not-to-exceed amount of \$183,628.00;**

 - c. Reimbursement Agreement with the Municipal Authority of the Borough of Oakmont to reimburse the Municipal Authority the cost to perform the facility relocation work necessary for the replacement of Bridge WB-429 at MP 43.13; at a not-to-exceed amount of \$88,244.97;**

 - d. Interagency Agreement with the Pennsylvania Department of Transportation (PennDOT) for PennDOT to transfer property to the Commission for the Thorn Hill Road Bridge replacement project at MP 28.45 and authorize the payment of statutory damages;**

 - e. Reimbursement Agreement with Bedford Rural Electric Cooperative, Inc. (BREC) to reimburse BREC the cost to perform the engineering and facility relocation work**

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- necessary for the total reconstruction project from MP 149.00 to MP 155.00 (Bridge WB-539 at MP 155.66); at a not-to-exceed amount of \$129,513.09;
- f. Memorandum of Understanding with Bedford Township Municipal Authority to reimburse the Authority partial cost to perform the facility relocation work necessary for the North and South Midway Service Plazas; at a not-to-exceed amount of \$289,890.00;
 - g. Reimbursement Agreement with Columbia Gas of PA, Inc. to reimburse Columbia Gas the cost to perform the engineering and facility work necessary for a new gas line to the Homewood Maintenance Facility; at a not-to-exceed amount of \$104,745.51;
 - h. Amendment to our agreement with the U.S. Department of the Army for a partial take parcel necessary for the Marsh Run Road Bridge total reconstruction project to acquire an additional area to remedy a drainage issue at Mifflin Avenue;
 - i. Agreement with the County of Allegheny for the Commission to design and construct a new structure carrying Thorn Hill Road over Brush Creek as part of the Thorn Hill Road Bridge replacement project (Bridge WB-400), and to assign ownership and maintenance of the new structure over Brush Creek to the county.
3. Approve the Right-of-Way Requests for the items listed in memos "a" through "n":
- a. Acquisition of Right-of-Way #14072-C1 (*Gary L. and Linda V. Kaintz*), 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 of \$18,326.50 to Gary L. and Linda V. Kaintz and also payment of fair market value and recording fees of \$162.00 to the *Allegheny County Department of Real Estate*; authorize the appropriate Commission officials to execute the Agreement of Sale; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of damages to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
 - b. Temporary Construction Easement for Right-of-Way #3382-2 (*U.S. Dept. of the Army*) necessary for the total reconstruction project from MP 242.00 to MP 245.00; authorize the appropriate Commission officials to execute the temporary construction easement agreement; authorize the execution of additional forms and documents that may be required for the transaction; and authorize the payment of administrative fees that may be required and statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
 - c. Acquisition of Right-of-Way #3119-B (*Matthew A. and Priscilla K. Fisher*), a partial take parcel necessary for the total reconstruction project from MP 202.00 to MP 206.00, by authorizing payment of fair market value and pro-rated taxes of \$10,150.00 to Matthew A. and Priscilla K. Fisher; authorize the appropriate Commission officials to execute the

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- Agreement of Sale; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of damages to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
- d. Acquisition of Right-of-Way #3130-B (*Richard C. and Arlene F. Eberly*), a partial take parcel necessary for the total reconstruction project from MP 202.00 to MP 206.00, by authorizing payment of fair market value and pro-rated taxes of \$1,724.00 to Richard C. and Arlene F. Eberly; authorize the appropriate Commission officials to execute the Agreement of Sale; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of damages to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
 - e. Acquisition of Right-of-Way #6538-C (*James W. Swartley a/k/a James H. Swartley*), a total take parcel necessary for the total reconstruction from MP A31.00 to MP A38.00, by authorizing payment of fair market value and pro-rated taxes of \$9,804.90 to *Diversified Settlement Services, Inc.* escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents as 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 #6538-D (*James W. Swartley a/k/a James H. Swartley*), a total take parcel necessary for the total reconstruction from MP A31.00 to MP A38.00, by authorizing payment of fair market value, pro-rated taxes, replacement housing supplement and closing costs of \$439,479.19 to *Diversified Settlement Services, Inc.* escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents as 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;
 - g. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14207-A (*Thomas K. Eichenlaub*), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation of \$175,000.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
 - h. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14206-D (*Manoj S. and Tanuja Lekhwani*), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation of \$32,000.00; 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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- i. **Acquisition of Right-of-Way #2218-L/120-2 (*Randy Clark-Owner; Keith & Tricia Clark-Tenants*), a total take parcel necessary for the total reconstruction project from MP 149.00 to MP 155.00, by authorizing payment statutory down-payment supplement of \$6,300.00 to Keith and Tricia Clark; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; payment of damages to the claimants is dependent upon the execution of an Application for Payment of Down Payment Supplement and all required supporting documentation, including an executed agreement of sale for the replacement dwelling and Decent, Safe and Sanitary inspection;**
- j. **Adopt the proposed Property Acquisition Resolution for Right-of-Way #14206-A (*Daniel J. and Barbara U. Eichenlaub*), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation of \$190,000.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;**
- k. **Adopt the proposed Property Acquisition Resolution for Right-of-Way #14206-N (*Jim Meinert Landscaping, Inc. d/b/a JML Landscape Management*), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00; authorize payment of Estimated Just Compensation of \$340,000.00; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;**
- l. **Acquisition of Right-of-Way #14200-A (*Four Brothers Hampton, LLC*), 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 of \$11,642.50 to Four Brothers Hampton, LLC, and authorize payment of recording fees of \$162.00 to Allegheny County Department of Real Estate; authorize the appropriate Commission officials to execute the Agreement of Sale; 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;**
- m. **Acquisition of Right-of-Way #14072-E (*Ruth J. Drier*), 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 of \$25,324.00 to James Pecora, Esquire, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents as 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 prepared by the Legal Department;**
- n. **Adopt the proposed Property Acquisition Resolution for Right-of-Way #4013-E (*First Church of Nazarene of Harrisburg n/k/a Rosedale Church of the Nazarene*), a partial take parcel necessary for the bridge replacement project at MP 248.00; authorize the payment**

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of Estimated Just Compensation of \$19,100.00; 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. Two (2) engineering firms to perform engineering design related services systemwide;
 - b. Engineering firm to perform wastewater/environmental related services systemwide.

5. Approve the Award of Bids and the Issuance of Purchase Orders for the items listed in memos "a" through "h":

- a. Microwave radio upgrade at multiple locations, utilizing the Commonwealth's contract with Alcatel-Lucent USA, Inc.; at a total award of \$1,438,693.09;
- b. Cisco switch upgrade, utilizing the Commonwealth's contract with ePlus Technology, Inc.; at a total award of \$493,124.20;
- c. Job Order Contracting (JOC) services to the lowest responsive and responsible bidder, from September 22, 2014 – June 30, 2016 with the option to renew for an additional 2-year period and approve the staff movement of funds between service contracts as needed during the life of the contract:

HVAC	District 4	Clark Contractors, Inc.	\$ 500,000.00
	District 5	Clark Contractors, Inc.	<u>500,000.00</u>
	TOTAL		\$1,000,000.00

- d. IT organizational design, utilizing Texas Department of Information Resources cooperative agreement with Gartner Inc.; at a total award of \$373,000.00;
- e. Motor oil and lubricants (September 1, 2014 – August 31, 2016 with the option to renew for an additional 2-year period), to the lowest responsive and responsible bidder, Craft Oil Corp. d/b/a Petrochoice; at a total award of \$325,000.00;
- f. Tree clearing from MP 345.00 to MP 351.49, to the lowest responsive and responsible bidder, Penn Line Service, Inc.; at a total award of \$612,380.00;
- g. Liquid calcium chloride (October 1, 2014 – June 30, 2015, with 1-year renewal option), to the lowest responsive and responsible bidders:

Calcium Chloride Sales	\$145,000.00	Districts 1 & 2
Environmental Energy Solutions	<u>134,000.00</u>	Districts 3, 4 & 5
Total Award	\$279,000.00	

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h. Goodyear and Michelin tires (September 1, 2014 – August 31, 2015), utilizing the Commonwealth’s contracts:

Michelin North America	\$ 70,000.00	Direct
Valley Tire	5,000.00	District 1
Berkeley Tire c/o Highland’s	3,000.00	District 2
McCarthy Tire	3,000.00	District 3
McCarthy Tire	3,000.00	District 4
McCarthy Tire	3,000.00	District 5
Goodyear Warehouse	<u>100,000.00</u>	All Districts
TOTAL AWARD:	\$187,000.00	

6. **REMOVED FROM THE AGENDA** Adopt the proposed Policy Letter revisions for the items listed in memos “a” through “c”:

- a. **REMOVED FROM THE AGENDA** Policy Letter 9.1, Land Use, to incorporate the use of Real Estate brokers and agents for sale and/or lease of Commission property for commercial purposes and to authorize the Property Management Department/Chief Counsel Designee to approve non-revenue generating agreements (i.e. cell tower lease amendments, rights of entry) as prepared and approved by the Legal Department;
- b. **REMOVED FROM THE AGENDA** Policy Letter 8.1, Acceptable Use of Commission Technology Resources, to bring it up to date with changes in technology and to align with the approach taken by the Commonwealth;
- c. **REMOVED FROM THE AGENDA** Policy Letter 8.7, Mobile Device, to enhance security and data loss prevention; to facilitate the introduction of more mobile business applications; to streamline billing and bill reconciliations; to allow BYOD (Bring your own device); and to provide reimbursements to some employees who use their own devices.

7. Approve the negotiation and execution of the Supplemental Agreements for the items listed in mems “a” through “c”:

- a. Supplemental Agreement #2 with GAI Consultants, Inc. for design services for the total reconstruction and widening project from MP 149.00 to MP 155.00, for an additional \$3,700,000.00 necessary to complete the final design, design of six noise walls and several retaining walls, design for stormwater management, plans for approximately 54 right-of-way acquisitions and stream and wetland mitigation;
- b. Supplemental Agreement #3 with Skelly and Loy Engineering for storage tank services systemwide, for an additional \$175,000.00 to complete the implementation of the multi-site agreement with the PADEP, Exxon, Sunoco and Cumberland Farms to ensure the service plazas have complied with soil and groundwater clean-up plans; and approve extending the term of the agreement to December 31, 2015;

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