

**PENNSYLVANIA TURNPIKE COMMISSION**

**HIGHSPIRE, PENNSYLVANIA**

**SPECIAL MEETING**

**OCTOBER 22, 2013**

**10:00 A.M.**

**A G E N D A**

- A. Roll Call**
  - Sunshine Announcement**
  - Public Participation**
  
- B. Minutes-October 1, 2013**
  
- C. Communications-**
  - Memo received from the Chief Counsel**
  - Memo received from the Manager of Strategic Sourcing and Asset Management**
  
- D. Personnel**
  
- E. Unfinished Business**

**F. NEW BUSINESS**

- 1. Approve two Facility and Energy Management Operations (FEMO) contracts be included in funding approved as part of the Fiscal Year 2013 Ten Year Capital Plan:**
  - **Design services for the TIP E-ZPass CSC/VPC for \$500,000.00;**
  - **Construction of the Somerset Materials Testing Lab for \$850,000.00.**
  
- 2. Approve the negotiation and execution of the Agreements, a Lease, Supplements, and a Memorandum of Understanding and an Amendment for the items listed in memos “a” through “g”:**
  - a. Amendment to our agreement with Joby’s Gulf as an authorized service provider for coverage on the Mon/Fayette Expressway from MP M0.00 to MP M7.84 and MP M13.40 to MP M27.90, to exercise our option to renew the agreement for an additional 5-years;**
  - b. Lease Agreement with Allied Concrete and Supply Corp. to lease a portion of Commission property located at MP 340.80 EB that is adjacent to Allied Concrete and Supply Corp.; to lease the property through April 2017 (with two 5-year renewal options) at a lease rate of \$24,000.00 annually;**
  - c. Supplemental Agreement with PECO for the engineering and relocation of their aerial electrical lines necessary for the replacement of Bridge NB-155 at MP A31.73, for an additional \$17,546.42 for overhead expenses that were omitted from the original estimate; increasing the not-to-exceed amount to \$42,546.42;**
  - d. Supplemental Agreement with Penn Power for the engineering and relocation of their aerial electrical lines necessary for the replacement of Bridge WB-207 and Bridge WB-208 at MP 12.63 and MP 12.67, respectively, for an additional \$2,788.03 for unforeseen field conditions and an easement that were omitted from the original estimate and additional crew to keep the project on time; increasing the not-to-exceed amount to \$94,567.03;**
  - e. Memorandum of Understanding with Big Beaver Municipal Authority (BBMA) for reimbursement to the Authority of the costs associated with the utility relocation necessary for the replacement of Bridges WB-207 and WB 208 (MP 12.63 and MP 12.67), at not-to-exceed amount of \$60,000.00; and the Commission will be responsible for the design, materials and construction of the future force main for the utility relocation at a not-to-exceed amount of \$304,048.89;**
  - f. Stormwater Management Operation and Maintenance Agreement with Stonycreek Township for management of the stormwater for the Western Training Facility renovation project;**
  - g. Agreement with Sunoco for Sunoco to distribute E-ZPass Go Paks in their Convenience Stores located on the Turnpike; and an Amendment to our Concession Agreement with Sunoco to exclude the sale of E-ZPass Go Paks from gross sales rental payment to the Commission.**

F. NEW BUSINESS

3. Approve the Right-of-Way Requests for the items listed in memos “a” through “k”:

- a. Acquisition of Right-of-Way #7135-C4 (*RSCM Properties Limited Liability Company*), a partial take parcel necessary for construction of the I-95/I-276 Interchange project, by authorizing payment of fair market value and pro-rated taxes in the amount of \$10,481.00 to RSCM Properties Limited Liability Company; 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;
- b. Acquisition of Right-of-Way #14217-B1 (*Emily Jean Simoncic*), 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 \$6,161.50 to Emily Jean Simoncic; 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 her delivery of a deed prepared by the Legal Department;
- c. Acquisition of Right-of-Way #14218-C (*910 Commerce Park Associates*), 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 \$2,331.50 to 910 Commerce Park Associates; 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; payment of damages to the property owner is contingent upon its delivery of a deed prepared by the Legal Department;
- d. Acquisition of Right-of-Way #17655 (*Ransom Family, LLC*), a partial take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of fair market value, pro-rated taxes and recording fees of \$84,963.77 to Fayette Professional Services, Agent for Ransom Family, LLC; 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; payment of damages to the property owner is contingent upon its delivery of a deed prepared by the Legal Department;
- e. Acquisition of Right-of-Way #7135-C3 (*J&W Ventures, LLC*), a partial take parcel necessary for construction of the I-95/I-276 Interchange project, by authorizing payment of fair market value and pro-rated taxes in the amount of \$14,495.00 to J&W Ventures, LLC; 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;

F. NEW BUSINESS

- f. Acquisition of Right-of-Way #3374-A (*Timothy L. & Elizabeth R. Hoffman and Nancy Hoffman*), a partial take parcel necessary for the total reconstruction project from MP 242.00 to MP 245.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$25,058.66 to PA Real Estate Settlement Services, LLC; 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 owners is contingent upon their delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #3380-A (*Kenneth N. & Shauna Sober*), a partial take parcel necessary for the total reconstruction project from MP 242.00 to MP 245.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$2,508.19 payable to Kenneth N. & Shauna Sober; 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 owners is contingent upon their delivery of a deed as prepared by the Legal Department;
- h. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #3190-A (*DABD Limited partnership, a PA Limited Partnership*), a partial take parcel necessary for the total reconstruction project from MP 220.00 to MP 227.00; authorize payment of Estimated Just Compensation in the amount of \$14,000.00 to Hollinshead, Mendelson, Bresnahan & Nixon, 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;
- i. Acquisition of Right-of-Way #3376-A (*Mario & Monika Vukovic*), a partial take parcel necessary for the total reconstruction project from MP 242.00 to MP 245.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$7,096.00 payable to Mario & Monika Vukovic; 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 owners is contingent upon their delivery of a deed as prepared by the Legal Department;
- j. Settlement of Right-of-Way #1031-R09 (*McDonald's Corporation d/b/a Delaware McDonald's Corporation*), a partial take parcel necessary for the Somerset 5-Legged Interchange project, by authorizing settlement payment in the amount of \$12,600.00 to Hollinshead, Mendelson, Bresnahan & Nixon, P.C., escrow agent; authorize the appropriate Commission officials to execute the necessary settlement documents; and payment of the settlement funds to the property owner is contingent upon its execution of a settlement agreement and full and final release as approved by the Legal Department;

**F. NEW BUSINESS**

- k. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14221-C (*W.D. McCrady Land Limited Partnership*), 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 \$200,000.00 to a 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.**
  
- 4. Approve Reimbursement payment to the E-ZPass Interagency Group (IAG) for expenses incurred in supporting the backup Virtual Private Network (VPN) and Managed Frame Relay Service connections, from November 2012 through August 2013, in the amount of \$7,536.50.**
  
- 5. Approve the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “d”:**
  - a. Cisco UCS servers, network equipment, hardware maintenance and installation, utilizing the Commonwealth’s contract with ePlus; at a total award of \$341,218.14;**
  - b. Tree and stump cutting services, to the lowest responsive and responsible bidder, Independence Construction Corp.; at a total award of \$308,556.95;**
  - c. Change Order to our agreement with WW Engine Supply, Inc. for thirty-seven (37) dump trucks, to change specifications for the dump trucks; at a cost of \$325,715.00; for a total revised award of \$7,537,654.00;**
  - d. One (1) single axle compressed natural gas (CNG) powered dump truck, utilizing the Commonwealth’s contract with Freightliner of Harrisburg (Transteck, Inc.); at a total award of \$196,028.00.**
  
- 6. Approve the Award of Contracts for the items listed in memos “a” and “b”:**
  - a. Contract #T-099.00T002-3-06 for the replacement of Bridge B-504 (S-27222) at MP 108.17, to the lowest responsive and responsible bidder, Plum Contracting, Inc.; at a not-to-exceed amount of \$6,647,076.00 and a contingency of \$300,000.00;**
  - b. Contract #A-129.70S001-3-02 for the redecking of Bridge NB-750 at MP A129.70, to the lowest responsive and responsible bidder, Nyleve Bridge Corp.; at a not-to-exceed amount of \$16,186,726.17 and a contingency of \$750,000.00.**
  
- 7. Approve the negotiation and execution of Supplemental Agreement #1 with Mackin Engineering Company for design services for the Southern Beltway, US 22 to I-79, Section 55-A1; for an additional \$4,300,000.00 to completed the final design and for consultation during construction services; for a not-to-exceed amount of \$13,300,000.00.**

F. NEW BUSINESS

8. **Approve the Change Orders and Change Orders/Final Payments for the items listed in memos “a” through “e”:**
  - a. **Change Order #2 for Contract #A-059.00R001-3-02 with New Enterprise Stone and Lime Company, Inc. for bituminous resurfacing and bridge painting between MP A58.11 and MP A68.00, for an additional \$377,752.00 to balance contract items to the actual work completed and for additional concrete deck repairs;**
  - b. **Change Order #2 for Contract #T-149.50T002-3-03 with New Enterprise Stone and Lime Company, Inc. for the replacement of Bridge B-552 at MP 153.06, for a 203-day time extension due to delays incurred in obtaining a joint permit from DEP and HOP from PennDOT;**
  - c. **Change Order #1 and Final Payment for Contract #T-186.20F001-3-02 with I.B. Abel, Inc. for the transformer replacement at the Tuscarora Tunnel (MP 186.20 to MP 187.21), for a decrease of \$1,557.76 to balance contract items to the actual work completed and additional costs to bring fire dampers in the transformer room up to code and installation of an astragal on door 103; for a final contract value of \$515,693.24 and final payment of \$46,927.79 due to the contractor;**
  - d. **Change Order #2 and Final Payment for Contract #A-128.87S001-3-02 with G.A. & F.C. Wagman, Inc. for the replacement of Bridge NB-736 at MP A128.87, for an additional \$77,190.13 to balance contract items to the actual work completed and additional changes for MPT, concrete barrier, clearing for PP&L lines, crack sealing, class C concrete, excavation, impact attenuators and E & S control; for a final contract value of \$2,464,818.78 and final payment of \$184,104.33 due to the contractor;**
  - e. **Change Order #1 and Final Payment for Contract #EN-00105-03-04 with Road-Con, Inc. for roadway and miscellaneous repairs between MP A20.00 and MP A130.30, for an additional \$130,703.29 to balance contract items to the actual work completed and a 39-day time extension necessary for favorable night time paving temperatures; for a final contract value of \$2,130,703.29 and final payment of \$230,703.29 due to the contractor.**
9. **Approve amending the pool of qualified co-bond counsel for bond and underwriter counsel services to include Ahmad, Zaffarese & Smyler, LLC to the qualified pool.**
10. **REMOVED.** Approve the revisions to Policy Letter 3.10, Code of Conduct, to expand the policy to create a more comprehensive Code of Conduct for Commission employees.

**F. NEW BUSINESS**

**11. Approve the award of service and authorize the negotiation and execution of an agreement with the selected firm for the items listed in memos “a” and “c” and the first two firms for the item listed in memo “b”:**

**a. RFP #4234. Arbitrage consulting services;**

- **PFM Asset Management LLC-AWARDED**

**b. Ref #3-240. Two (2) open-end design engineering services, systemwide;**

- **Arora and Associates, P.C.-AWARDED**
- **Tri-State Design and Development, Inc.-AWARDED**
- **Larson Design Group**
- **P. Joseph Lehman, Inc.**

**c. Ref #3-247. Design of the E-ZPass Customer Service Center and Violations Processing Center at the Turnpike Industrial Park Building (TIP) Building;**

- **Celli-Flynn Brennan, Inc.-AWARDED**
- **Astorino**
- **TranSystems Corporation Consultants**