

MINUTES OF THE COMMISSION MEETING HELD NOVEMBER 5, 2019

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 11:00 a.m. on Tuesday, November 5, 2019 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Leslie S. Richards, Chair and John Wozniak, Commissioner; available via telephone were William K. Lieberman, Vice Chair; Barry Drew, Secretary Treasurer and Pasquale T. Deon Sr., Commissioner.

Also in attendance for the meeting were Mark P. Compton, Chief Executive Officer; Larry Bankert, Michael Baker Int'l.; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Stacia A. Ritter, Esquire, Director of Policy and Fare Collection; Robert Taylor, Chief Technology Officer and Ann Louise Edwards, Assistant Secretary Treasurer.

Others present were Susan Carson-Casoni, Cash Manager; Jason Falchek, End User Support Technician; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Nicole Hoy, Accountant Trainee; Jeffrey A. Naugle, Manager of Treasury Operations; Timothy M. Scanlon, Director of Traffic Engineering & Operations; Lynn Stakem, Senior General Accountant; Eric Madden, JMT; John Caperilla, CEG Cedarville; Joe Romani IV, Larson Design; Dave Azzato, TPD and Steve Barber, Michael Baker Int'l.



Mrs. Edwards led the Commissioners, staff and visitors in the Pledge of Allegiance.



The Assistant Secretary Treasurer, Ann Louise Edwards, called the roll and declared a quorum available.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of personnel, which included a termination, promotions, reclassifications, new hires, vacancies and the summer program.

The Commissioners also discussed Docket Nos. 2019-WC-0521, 3791 and 2019-PTC-00P001-3-07 and engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Mrs. Edwards: The public is welcome 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 and effective meeting, all persons wishing to address the Commission should have signed in a requested time to speak. If you have not done so, you are invited to do so at this time.

There were no requests to address the Commission.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held October 7, 2019 be approved and filed as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

Motion-That the Commission approves the memos received from the Chief Counsel and the Director of Procurement & Logistics-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PERSONNEL

Motion-That the Commission approves the Personnel as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS

POLICY

Motion-That the Commission adopts revisions to Policy 10.06, Innovation Council, to reflect alignment to the Strategic Plan and to update operational procedures-was made by Commissioner Wozniak, seconded by Commissioner Deon, and approved unanimously.



AGREEMENTS

Motion-That the Commission approve the negotiation and execution of the Agreements and Amendments for the items listed in memos “a” through “j”:

- a. Amendment to our agreement for electrical and mechanical maintenance services for the CAB, TIP, East Park Drive and the Steelton Warehouse with G.R. Sponaugle and Sons, Inc.; exercising the option to renew the agreement for an additional two-years (February 5, 2020 – February 4, 2022); at a not-to-exceed amount of \$764,744.00 annually;
- b. Agreement with Borough of Emmaus d/b/a Emmaus Ambulance Corps for EMS coverage from MP A50.30 to MP A55.50 NB and from MP A52.20 to MP A43.80 SB;
- c. Agreement with Weis Markets, Inc. for the distribution of E-ZPass Go Paks in its PA stores;
- d. Agreement with Giant Eagle, Inc. for the distribution of E-ZPass Go Paks in its PA and Morgantown, WV stores;
- e. Amendment to our agreement with Bracey’s ShopRite of Daleville for the distribution of E-ZPass Go Paks; exercising the option to renew the agreement for an additional year;
- f. Amendment to our agreement with Bracey’s ShopRite Mt. Pocono for the distribution of E-ZPass Go Paks; exercising the option to renew the agreement for an additional year;
- g. Agreement with the County of Bucks through the Bucks County District Attorney’s Office to fund two dedicated staff positions to investigate and prosecute theft of services and fare evasion crimes (occurring on the Turnpike) in Bucks and Montgomery counties;
- h. Amendment to our agreement with General Dynamics Information Technology to host, maintain, support and provide help desk support for the Electronic Bidding System for construction contracts; exercising the option to renew the agreement for an additional three years; at a total not-to-exceed cost of \$1,999,606.56;
- i. Right-of-Entry Agreements between the Commission and HMSHost and 7-Eleven for the operation and maintenance of the additional truck parking lot adjacent to the Lawn Service Plaza; and authorize the Asst. Chief Engineer-Design to execute the Agreements on behalf of the Commission;
- j. Settlement Agreement and Release with Road-Con, Inc., for mainline toll facility work from MP 351.43 to MP 354.18.

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



RIGHT-OF-WAY REQUEST

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos “a” through “j”:

- a. Acquisition of Right-of-Way #14S327 (Daniel J. & Marilyn J. Nemchick), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$277,934.69 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 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 the delivery of a deed as prepared by the Legal Department;
- b. Acquisition of Right-of-Way #14S397 (Louis A. & Lynn M. Baldwin), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$57,857.40 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 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 the delivery of a deed as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #1A164-E (Vincent J. & Catherine M. Korzen), a total take parcel necessary for the Donegal Slide Remediation project, by authorizing payment of \$251,162.97 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, 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 fair market value to the property owners is contingent upon their delivery of a deed as prepared by the Legal Department;
- d. Acquisition of Right-of-Way #14S358 (Richard C. & Tamara R. (Ohler) Smith), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$70,960.99 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, 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 fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;

- e. Acquisition of Right-of-Way #14S278 (Richard C. & Tamara R. (Ohler) Smith), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$50,629.85 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, 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 fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- f. Settlement of Right-of-Way #14110 (Robert A. & Vicky L. Oslon), a partial take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$12,600.00 representing settlement, to Robert A. Olson and Vicky L. Olson; authorize the appropriate Commission officials to execute the settlement agreement and other documents that may be required; and payment of the settlement funds is contingent upon the delivery of a Settlement Agreement and General Release as approved by the Legal Department;
- g. Acquisition of Right-of-Way #14S297 (Rocco R. Scherba), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$85,850.69 representing fair market value, pro-rated taxes and recording fees to Arrow Land Solutions, LLC, escrow agent; also authorize payment of \$33,896.50 representing housing supplement, closing costs and Section 710 damages to Rocco R. Scherba; 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #14111-B (The Municipality of Monroeville), a total take parcel necessary for the total reconstruction project from MP 57.00 to MP 67.00 by authorizing payment of \$956,000.00 representing fair market value to The Municipality of Monroeville; 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- i. Acquisition of Right-of-Way #1A164-B (Estate of Richard A. Giles, Sr., a/k/a Richard A. Giles), a partial take parcel necessary for the Donegal Slide Remediation by authorizing payment of \$191,218.53 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, 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; payment of fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;

- j. Acquisition of Right-of-Way #14S298 (2001 Irrevocable Trust for Family of Ann P. Mooney, Barbara A. Mooney, Trustee), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$141,027.98 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 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.

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



ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" through "d":

- a. Appraisal services for Commission facilities;
- b. Authorized Service Provider coverage from MP 312.10 to MP 333.20;
- c. Authorized Service Provider coverage from MP 333.30 to MP 356.40, MP H40.00 to MP H43.30; and MP A20.00 to MP A37.80;
- d. Drilling contract for subsurface boring, sampling and testing services (open-end) from MP 0.00 to MP 247.30, Greensburg Bypass, Beaver Valley Expressway, Mon/Fayette Expressway and Southern Beltway.

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



PURCHASE ORDERS

Motion-That the Commission approves the Award of a Bid, Change Order and Issue Purchase Orders for the items listed in memos "a" through "h":

- a. Gate parts (through February 2021); utilizing the Commonwealth's contract with Electronic Systems Integration, Inc.; at an award of \$200,000.00;
- b. Cashless Tolling control system repairs and upgrades (Turnpike 66), utilizing the Commonwealth's contract with Siemens Industry, Inc.; at an award of \$233,338.72;
- c. Generators/ATS replacements systemwide (phase one), utilizing the Commonwealth's contract with Premium Power Services, LLC; at an award of \$637,056.00;
- d. Change Order for the maintenance, service and repair of generators in Districts 1 and 2 with Premium Power Services, LLC, exercising the option to extend the contract an additional 3 months (through February 28, 2020) to cover potential generator repairs; at a cost of \$90,000.00;

- e. Five (5) MASH eligible trailer mounted attenuators, utilizing the Commonwealth's contract with Traffix Devices, Inc.; at a total award of \$140,312.45;
- f. Accuweather license fee for forecasting services, exercising the option to renew the agreement for an additional year (October 2020-September 2021) and additional funds for social media (October 2019-September 2020) with CDW Government LLC; at a cost of \$139,206.06;
- g. Fuel storage tank maintenance (December 2019-November 2020), to the lowest responsive and responsible bidder, Clark Contractors, Inc.; at an award of \$3,000,000.00;
- h. Qlik software services (licenses, training and maintenance; November 2019 – October 2020), utilizing the General Services Administration Cooperative contract with Carahsoft Technology, Corp., at a total award of \$130,340.20.

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



AWARD OF CONTRACT

Motion-That the Commission approves the Award of Contract #A-099.00S001-3-02 for the rehabilitation of eight structures between MP A105.00 and MP A119.53, to the lowest responsive and responsible bidder, Nyleve Bridge Corp.; at a not-to-exceed amount of \$4,439,206.35 and a contingency of \$200,000.00-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



CHANGE ORDERS/FINAL PAYMENTS

Motion-That the Commission approves the negotiation and execution of the Change Orders and Final Payments for the items listed in memos "a" through "j":

- a. Change Order #8 for Contract #T-355.00P001-3-14 for widening and reconstruction of S.R. 95, Section D20, with James D. Morrissey, Inc., for a decrease of \$175,661.09 to balance items to actual work completed, changes for guiderail, temporary barrier, seeding and soil supplements, erosion and sedimentation control, rock, fencing, health and safety plan, paint, drainage, MPT, local police reimbursement, pavement markings, incident management plan, test holes, signage and topsoil; for a revised not-to-exceed amount of \$122,512,994.76;
- b. Change Order #1 and Final Payment for Contract #EN-00224-03-07 for roadway and miscellaneous repairs between MP A57.22 and MP A130.64 with New Enterprise Stone & Lime Co., Inc., for a decrease of \$1,420,918.13 to reflect the actual cost of the completed work authorizations; for a final contract value of \$3,079,081.87 and final amount due to the contractor of \$123,839.09;

- c. Change Order #1 and Final Payment for Contract #EN-00200-03-04 for bridge repairs between MP 236.22 and MP 358.11 with J.P.S. Construction Co., Inc., for a decrease of \$675,465.49 to reflect the actual cost of the completed work authorizations and an 11-day time extension for additional work; for a final contract value of \$1,824,534.51 and final amount due to the contractor of \$91,226.73;
- d. Change Order #6 and Final Payment for Contract #A-070.26F003-3-02 for Lehigh Tunnel lighting replacement with Mosites Construction Company, for an increase of \$43,994.43 to balance items to actual work completed, new conduit and wire, and work performed by the Honeywell Company for work on the control systems; for a final contract value of \$16,042,856.17 and final amount due to the contractor of \$182,494.43;
- e. Change Order #16 for Contract #S-006.00X002-3-08 for construction of the Southern Beltway, Section 55B, MP S11.17 to MP S14.31 with Joseph B. Fay Co., for an increase of \$211,597.71 to balance items to actual work completed, changes for plug and vent gas/oil wells, wind control, removal of carbonaceous material, bituminous prime coat, downtime, sweeper rental and modifications for cashless tolling; for a revised not-to-exceed amount of \$98,973,556.68;
- f. Change Order #1 and Final Payment for Contract #EN-00224-03-05 for roadway and miscellaneous repairs between MP 201.58 and MP 299.98 with New Enterprise Stone & Lime Co., Inc., for a decrease of \$117,273.54 to reflect the actual cost of the completed work authorizations; for a final contract value of \$3,882,726.46 and final amount due to the contractor of \$222,718.57;
- g. Change Order #3 and Final Payment for Contract #T-075.00R001-3-02 for bituminous resurfacing between MP 75.69 and MP 84.99 with New Enterprise Stone & Lime Co., Inc., for a decrease of \$246,758.76 to balance items to actual work completed, and changes for signage and pavement markings; for a final contract value of \$10,410,237.67 and final amount due to the contractor of \$362,172.74;
- h. Change Order #4 for Contract #T-355.00P001-3-16 for construction of ITS for the I-95/I-276 Interchange project with Miller Bros., for an increase of \$240,608.85 for traffic flow detector installation at the Delaware Valley Interchange; for a revised not-to-exceed amount of \$4,776,489.46;
- i. Change Order #1 for Contract #EN-00233-03-06 for roadway and miscellaneous repairs between MP 299.98 and MP 356.42, H40.83 and H42.54, and A20.00 and A57.22 with New Enterprise Stone & Lime Co., Inc., for an increase of \$3,300,000.00 for Work Authorizations 7 & 8 as directed by design; for a revised not-to-exceed amount of \$8,300,000.00;
- j. Change Order #5 and Final Payment for Contract #T-342.91R001-3-02 for bituminous overlay and retaining wall construction at the Willow Grove Interchange with Allan Myers, LP, for a decrease of \$403.63 to balance items to actual work completed and a monotube sign structure credit; for a final contract value of \$10,290,945.35 and final amount due to the contractor of \$14,488.37.

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



SUPPLEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #11 for preliminary and final design services for the total reconstruction projects from MP 320.00 to MP 326.00 with STV, Inc., for an additional \$2,000,000.00 to revise the current bidding and permit package for the MP 320.00 to MP 326.00 total reconstruction project and to design and prepare the contract documents for the MP 324.00 to MP 326.00 total reconstruction project; for a revised not-to-exceed amount of \$43,100,000.00-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



AUTHORIZED SERVICE PROVIDER RATES

Motion-That the Commission approves the revised rate structure for contracted Authorized Service Providers (ASP), that would provide a 10% rate increase for standby towing and a 20% rate increase for all other services (at an approximate annual cost of \$30,000.00); also approve development of the enhanced performance requirements for the ASPs designed to improve traffic incident clearance time, increase safety, and to formalize Traffic Incident Management (TIM) training standards-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



INVOICE PAYMENTS

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

- a. 2019 Notice of Assessment from the Bureau of Workers' Compensation for the Supersedeas and Subsequent Injury Funds, in the amount of \$23,669.00;
- b. Chubb Cyber Liability insurance (11/07/2019-11/07/2020), through our broker, Conner Strong & Buckelew; at an annual premium of \$125,655.00.

-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, November 19, 2019 beginning at 9:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:08 a.m. -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.

