

**PENNSYLVANIA TURNPIKE COMMISSION**

**HIGHSPIRE, PENNSYLVANIA**

**FORMAL MEETING**

**OCTOBER 18, 2022**

**11:00 A.M.**

**AGENDA**

- A. Roll Call**
  - Sunshine Announcement**
  - Public Participation**
  
- B. Minutes-October 4, 2022**
  
- C. Communication-**
  - Memo received from the Chief Counsel**
  - Memo received from the Asst. CFO-Financial Administration**
  
- D. Personnel**
  
- E. Unfinished Business**

F. NEW BUSINESS

1. **Adopt new Policy 8.15, Intellectual Property, to provide a framework for the use, generation, acquisition, and management of Intellectual Property (IP) and to ensure that PTC-owned IP is used to fully generate value and innovation.**
  
2. **Approve the negotiation and execution of the Agreements and Amendments for the items listed in memos “a” through “e”:**
  - a. **Reimbursement and Operating Agreement with PennDOT and the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC) for the design and construction of PennSTART (Pennsylvania Safety, Transportation, and Research Track) to reimburse RIDC the estimated cost to design and construct PennSTART at a total reimbursement amount by the Commission not-to-exceed \$8,000,000.00; and to authorize the Chief Executive Officer to execute all necessary agreements as approved by the Legal Department;**
  - b. **Settlement Agreement and Release with Michael Shaw, Sr.; and authorize payment of the workers’ compensation settled amount;**
  - c. **Agreement with New Enterprise Stone & Lime, Co., Inc. to accept a change in materials for the wearing course for the roadway reconstruction project from MP 101.69 to MP 109.10; and authorize the appropriate Commission officials to execute the agreement;**
  - d. **Amendment to our agreement with Plenary Broadband Infrastructure (PBI) for fiber operations, maintenance, and commercialization; to negotiate task orders for the design and construction of future fiber optic network expansions, to exercise the option to renew the agreement for an additional year; and authorize the expenditure of up to \$26,300,000.00 through FY2026 for services, design and construction of fiber optic infrastructure;**
  - e. **Amendment to our agreement with the Pennsylvania Department of Environmental Protection (PA DEP) for a dedicated position for enhanced consultation and prioritization of reviews for Commission permit applications to PA DEP; to add additional dedicated positions to provide consistent and priority project reviews for all Commission projects requiring a permit; at a cost of \$250,000.00 to \$500,000.00.**
  
3. **Approve the Right-of-Way requests for the items listed in memos “a” through “f”:**
  - a. **Acquisition of Right-of-Way #14S434 (Amedio Michael Morgano), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 project, by authorizing payment of \$105,408.48 representing fair market value and pro-rated taxes to Amedio Michael Morgano; 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;**

F. NEW BUSINESS

- b. Acquisition of Right-of-Way #7132-D1 (Brian Doyle), a partial take parcel necessary for the I-95 Interchange, Section D30 project, by authorizing payment of \$2,927.00 representing fair market value and pro-rated taxes to Brian Doyle; 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;
- c. Acquisition of Right-of-Way #6036-D (Carolyn S. Miller, R. Walter Supplee and M. Ester Popjoy (living heirs of S. Warren Supplee, Mildred M. Supplee and Walter K. Supplee), a total take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00, by authorizing payment of \$500.00 representing fair market value to R. Walter Supplee; also authorize payment of \$93.75 representing recording fees to Chester County Recorder of Deeds; 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-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;
- d. Settlement of Right-of-Way #6510-A1 (John M. and Janet B. Alderfer), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$219,000.00 representing payment of settlement funds to John M. and Janet B. Alderfer; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release as reviewed and approved by the Legal Department; and authorize payment of settlement funds to the Condemnees is contingent upon the delivery of the executed Settlement Agreement and General Release;
- e. Adopt the proposed Property Acquisition for Right-of-Way #14S425 (Anthony and Kathy Palmer), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 project, by authorizing payment of \$500.00 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;
- f. Acquisition of Right-of-Way #14S441 (Malkin Properties, LLC.; Principal-Sydney Malkin a/k/a Sydney Romero), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 project, by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Malkin Properties, LLC.; 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.

F. NEW BUSINESS

4. Grant the Chief Executive Officer (CEO) the authority to approve and sign insurance policy renewals as recommend by the Risk Management Unit and the Chief Financial Officer.
5. Approve the Award of Bids and the Issuance of Purchase Orders for the items listed in memos “a” through “g”:

- a. Herbicides, (October 19, 2022 – September 30, 2023); to the lowest responsive and responsible bidders:

Arborchem	\$175,000.00
Nutrien Ag Solutions	\$ 25,000.00
CONTINGENCY	<u>\$ 30,000.00</u>
TOTAL AWARD	\$230,000.00

- b. Cube Routers, utilizing the Commonwealth’s contract with ePlus Technology, Inc.; at a cost of \$130,228.40;

- c. Plow blades, parts, hardware and accessories, exercising the option to renew the agreements for an additional year (November 1, 2022 - October 31, 2023); and approval for staff movement of funds between contracts as needed during the contract term:

Nordik	\$ 30,000.00
Ironhawk	487,000.00
Winter Equipment Co., Inc.	185,000.00
Trius, Inc.	500.00
Valk Mfg. Co., LLC.	68,000.00
Chemung Supply Co.	0.00
CONTINGENCY	<u>29,500.00</u>
TOTAL	\$800,000.00

- d. Twenty (20) Ford Escape hybrid SUVs, utilizing the Commonwealth’s contract with Apple Ford of Red Lion/Apple Automotive Group, Inc.; at a cost of \$630,780.00;

- e. Uniform rental contract (for Maintenance and FEMO), exercising the option to renew the contract for three additional years (November 1, 2022 – August 31, 2025) with Cintas Corporation No. 2; at a cost of \$273,000.00;

- f. MCC radio console, installation and software maintenance (October 2022 - November 2028), utilizing the Commonwealth’s contract with Motorola Solutions, Inc.; at a cost of \$126,617.00;

- g. Data Capable annual subscription, exercising the option to renew the subscription for an additional year (November 27, 2022 - November 26, 2023) with Data Capable, Inc.; at a cost of \$99,671.59.

F. NEW BUSINESS

6. Approve the Award of Contracts for the items listed in memos “a” and “b”:
  - a. Contract #T-142.00R002-3-03 for asphalt resurfacing between MP 142.00 and MP 144.95 and Cut Slope Remediation between MP 142.18 and MP 142.47, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$10,825,252.52 and a contingency of \$800,000.00;
  - b. Contract #T-013.21S001-3-03 for roadway and bridge reconstruction between MP 12.02 and MP 14.01, to the lowest and responsive and responsible bidder, Joseph B. Fay Co.; at a not-to-exceed amount of \$269,982,356.44 and a contingency of \$13,500,000.00.
  
7. Approve Change Orders and Final Payments for the items listed in memos “a” through “c”
  - a. Change Order #1 and Final Payment for Contract #EN-00277-03-02 for roadway and miscellaneous repairs on Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Eurovia Atlantic Coast, LLC for a decrease of \$914,952.48 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,085,047.52 and final amount due to the contractor of \$104,252.38;
  - b. Change Order #5 for Contract #T-334.00R002-3-02 for bituminous resurfacing between MP 333.99 and MP 340.05 and median barrier replacement between MP 337.37 and MP 340.03 with Allan Myers, L.P. for a 41-day time extension necessary for the extra work and coordination with the fiber optic project;
  - c. Change Order #1 and Final Payment for Contract #EN-00272-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Allison Park Contractors, Inc. for a decrease of \$413,564.47 to reflect the actual cost of the completed work authorizations; for a final contract value of \$1,086,435.53 and final amount due to the contractor of \$21,728.71.
  
8. Approve the award of services and authorize the negotiations and execution of an agreement with the selected firm for RFP 8216, towing and road service provider for coverage from MP 188.70 to MP 226.30:
  - HJ Towing & Recovery, Inc.