

PENNSYLVANIA TURNPIKE COMMISSION

HIGHSPIRE, PENNSYLVANIA

FORMAL MEETING

SEPTEMBER 19, 2023

11:00 A.M.

AGENDA

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

- B. Minutes-September 5, 2023**

- 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 the revisions to the Policy Letters for the items listed in memos “a” and “b”:**
 - a. Revisions to Policy Letter 3.04, Policy on Smoking and Other Tobacco Products, to expand the scope of the Policy to include consultants and business partners, as well as defining the Policy’s applicability to remote work environments; formally prohibits smoking during virtual meetings; explicitly states that medical marijuana is not included in this Policy, as it is strictly prohibited in the workplace; expands definitions to include business partners, as well as further defining smoking; to reflect changes to Commission department names; to define where signage for non-smoking facilities and areas are to be posted; and to update the contact person for questions or issues related to the Policy;**
 - b. Revisions to Policy Letter 5.03, Access Control at PTC Facilities and Gates for Authorized Personnel, to process credit card data and comply with PCI DSS (Payment Card Industry Data Security Standard) requirements due to the future implementation of UBOS.**

- 2. Approve the negotiation and execution of the Agreements and an Amendment for the items listed in memos “a” through “f”:**
 - a. Reimbursement Agreement with Peoples Natural Gas Company, LLC (PNG) to reimburse PNG the cost for the engineering and facility relocation work necessary for the construction of the Mon/Fayette Expressway, Section 53-A2 project (Line M-77); at a not-to-exceed amount of \$3,234,402.50;**
 - b. Reimbursement Agreement with Peoples Natural Gas Company, LLC (PNG) to reimburse PNG the cost for the engineering and facility relocation work necessary for the construction of the Mon/Fayette Expressway, Section 53-A2 project (Line D-115); at a not-to-exceed amount of \$1,658,444.05;**
 - c. Reimbursement Agreement with Peoples Natural Gas Company, LLC (PNG) to reimburse PNG the cost for the engineering and facility relocation work necessary for the construction of the Mon/Fayette Expressway, Section 53-A2 project (Line M-16); at a not-to-exceed amount of \$446,086.51;**
 - d. Amendment to our agreements with Public Resources Advisory Group (PRAG) and Phoenix Capital for financial advisory services; exercising the option to renew the agreements for an additional year (January 19, 2024 – January 18, 2025 and January 15, 2024 – January 14, 2025, respectively);**
 - e. Agreement with Applegreen Electric to install, maintain and operate electric vehicle charging ports at the PTC Service Plazas;**

F. NEW BUSINESS

- f. **Agreement with KUBRA Cash Payment Network for integration into the new Unified Back Office System (UBOS) to prevent a delay or interruption of service for our customers for up to five (5) years at a not-to-exceed amount of \$55,000.00; and authorize the Asst. Chief Operating Officer-Toll Collection to approve annual operational costs of these services, that may vary based on usage, and are estimated cost of \$114,000.00 for FY2024.**

- 3. Approve the Right-of-Way requests for the items listed in memos “a” through “e”**
 - a. **Acquisition of Right-of-Way #15014-A (April May Rusu), a total take parcel necessary for construction of the SR 130 Irwin Interchange project by authorizing payment of \$61,077.25 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement, 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 approved by the Legal Department;**

 - b. **Settlement of 122 Cecil Sturgeon Road (Max T. Phillips) property used during construction of the Southern Beltway, US 22 to I-79, related to a required connection to public sewer during and use of land during construction; authorize payment of \$7,000.00 to Max T. Phillips; authorize the appropriate Commission officials to execute the Settlement Agreement as drafted and approved by the Legal Department; and payment of settlement funds is contingent upon Mr. Phillips’ execution and delivery of the Settlement Agreement;**

 - c. **Adopt the proposed Property Acquisition for Right-of-Way #17931 (United States Department of Veteran Affairs (VA)) to transfer two oil and gas leases to VA owned by Oakbrooke Muse Partners, L.P.; Arthur Schwotzer; Eric Schwotzer; JJ Oil & Gas Incorporated; Dale Property Services Penn, LLC; Dale Pennsylvania Royalty, L.P.; Dale Property Services Penn, L.P.; Chesapeake Appalachia, LLC; Statoilhydro USA Onshore Properties, Inc.; Range Resources – Appalachia, LLC; and Equitable Gas Company, for the Southern Beltway, US Rt. 22 to I-79 project, authorizing payment of \$5,000.00 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;**

 - d. **Acquisition of Right-of-Way #7077-C (WB Gardena Company and 4100 Mexico, LLC), a partial take parcel necessary for construction of the I-95 Interchange, Section A, Ramp D reconstruction project, by authorizing payment of \$81,504.50 representing fair market value and pro-rated taxes to WB Gardena Company and 4100 Mexico, LLC; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize 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 approved by the Legal Department;**

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- e. Acquisition of Right-of-Way #15015-D (NB Penn, LLC), a total take parcel necessary for the total reconstruction from MP 57.00 to MP 67.00, by authorizing payment of \$3,325,218.00 representing fair market value and recording fees to Fee Simple Settlement LLC; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing, authorize 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 approved by the Legal Department.

- 4. Approve amending the pool of qualified disclosure counsel to replace Virtus LLP with Endow Law as Virtus LLP will transition to Endow Law effective October 1, 2023; and amend the bond resolution adopted April 18, 2023 which provided for the appointment of Virtus LLP as disclosure counsel, to provide for the appointment of Endow Law as successor to Virtus LLP for purposes of the bonds defined in the April 18, 2023 resolution.

- 5. Approve the Award of a Bid, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “h”:
 - a. Enhanced licensing for the Clarity Environment (September 2023 - September 2026), utilizing the Omnia Partners cooperative purchasing agreement with Insight Public Sector, Inc.; at a cost of \$357,301.00;

 - b. Post sleeve contract with Main Stream Industries, Inc., for an additional 1,200 post sleeves; at a cost of \$200,000.00;

 - c. Herbicide contracts, exercising the option to renew the agreements for an additional year (October 2023 - September 2024):

Arborchem	\$250,000.00
Nutrien Ag Solutions	75,000.00
Contingency	<u>25,000.00</u>
TOTAL RENEWAL	\$350,000.00

 - d. Formal approval for an emergency procurement that was conducted for Palo Alto XSOAR, Cortex and XDR cloud firewall protection (June 6, 2023 – October 31, 2023) utilizing the Federal GSA contract with ePlus Technology in the amount of \$259,789.07; and approval for same procurement for October 28, 2023 - June 27, 2024, at a cost of \$379,472.39;

 - e. Thirty-five (35) Single axle and tandem axle dump trucks with M&K Truck Center of Harrisburg, LLC; exercising the option to renew the agreement for an additional year (October 2023 – September 2024); at an estimated cost of \$9,500,000.00;

 - f. Replacement of one UPS for the Allegheny Tunnel, utilizing the Commonwealth’s contract with Schultheis Electric; at a cost of \$132,000.00;

F. NEW BUSINESS

- g. Fuels bulk propane for five (5) years (October 2023 – July 2028), to the lowest responsive and responsible bidder, AmeriGas Propane, LP; at a cost (plus contingency) of \$450,000.00;**
 - h. Media placement services for E-ZPass, AET/ORT, employee and roadway safety and other campaigns for two (2) years (September 2023 – September 2025); utilizing the Commonwealth’s contract with Red House Communications, Inc.; at a cost of \$3,730,000.00.**
- 6. Approve the Close Out, Change Orders and Final Payments for the items listed in memos “a” through “e”:**
- a. Close Out documents for Contract #T-206.00T001-3-02 for roadway and bridge reconstruction from MP 206.89 to MP 210.92 with Hempt Bros., Inc.; no final change order or final payment is necessary, and contract is 100% complete;**
 - b. Change Order #1 and Final Payment for Contract #EN-00279-03-04 for bridge repairs between MP 236.22 and MP 356.42 with Bill Anskis Company, Inc. for decrease of \$635,302.96 to reflect the actual cost of the completed work authorizations; for a final contract value of \$1,864,697.04 and final payment due to the contractor of \$18,646.97;**
 - c. Change Order #1 and Final Payment for Contract #T-235.00R002-3-02 for asphalt resurfacing between MP 235.51 and MP 241.98 with New Enterprise Stone and Lime, Co., Inc. for an increase of \$21,814.49 for normal quantity adjustments, lane rental fees, barrier delineation and price adjustments for asphalt materials; for a final contract value of \$6,046,404.84 and final payment due to the contractor of \$657,020.36;**
 - d. Change Order #1 and Final for Contract #EN-00282-03-05 for roadway and miscellaneous repairs between MP 201.58 and MP 299.98 with J.D. Eckman, Inc. for a decrease of \$180,004.47 to reflect the actual cost of the completed work authorizations; for a final contract value of \$3,819,995.53 and no final payment due to the contractor;**
 - e. Change Order #2 and Final Payment for Contract #T-226.00R002-3-02 for asphalt resurfacing between MP 226.63 and MP 235.53 with New Enterprise Stone and Lime, Co., Inc. for a decrease of \$342,290.81 for normal quantity adjustments, pavement markings, signage, gore areas, anchor bolts, MPT, flasher installation and asphalt adjustments; for a final contact value of \$7,234,597.56 and final payment due to the contractor of \$270,300.14.**

F. NEW BUSINESS

7. Approve the award of services and authorize the negotiations and execution of an agreement/agreements with the selected firm/firms for the items listed in memos "a" through "e":
 - a. T00235/T00236/T00237/T00238, Engineering design services systemwide:
 - LaBella Associates, P.C.-AWARDED
 - P. Joseph Lehman, Inc. Consulting Engineers-AWARDED
 - Rettew Associates, Inc.-AWARDED
 - Whitney, Bailey, Cox & Magnani-AWARDED
 - Century Engineering
 - Dawood Engineering, Inc.
 - b. T00242/T00243/T00244/T00245, Traffic Engineering and Operations services systemwide
 - Jacobs Engineering Group-AWARDED
 - Kimley-Horn and Associates, Inc.-AWARDED
 - PRIME AE Group, Inc.-AWARDED
 - Whitman, Requardt and Associates, LLP-AWARDED
 - c. RFP #10873, Contracted Spill Response Team-Area 2 for coverage from MP 75.30 to MP 179.40 and AKH MP G0.00 to MP G13.40:
 - McCutcheon Enterprises, Inc.-AWARDED
 - d. RFP #10922, Contracted Spill Response Team-Area 1 for coverage from MP 0.00 to MP 75.20; MP B27.50 to MP B44.80; MP M0.00 to MP M54.00; and MP S0.00 to MP S19.00:
 - McCutcheon Enterprises, Inc.-AWARDED
 - e. RFP #10610, Arbitrage Consulting services:
 - PFM Asset Management-AWARDED