

MINUTES OF THE COMMISSION MEETING HELD JUNE 7, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:00 a.m. on Tuesday, June 7, 2022 at the Central Office located in Middletown, Pennsylvania. Available via telephone were Yassmin Gramian, Chair; William K. Lieberman, Vice Chair; Wadud Ahmad, Secretary Treasurer and Pasquale T. Deon, Sr., Commissioner.

Also available for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer (via telephone); Bradley J. Heigel, P.E., Chief Engineer; Carl DeFebo, Jr.; Director of Communication and Customer Experience; Charles Duncan III, Chief Compliance, Legislative & Cultural Affairs; Doreen McCall, Chief Counsel; Kelli Roberts, Director of Policy and External Affairs; Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via telephone); Robert Taylor, Chief Technology Officer; Stacia A. Ritter, Esq., Asst. Chief Operating Officer/Toll Collection; Tom Porter, Michael Baker Int'l. and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Don Klingensmith, Asst. CFO-Financial Administration; Elijah Weeks, Administrative Officer (in person); Fawn Cassel, Contract Management Services Manager (in person); Gina Murray, Manager of Professional Services Procurement; Holly Herdman, Business Improvement & Analytics Manager (in person); Janelle Maurer, Cyber Security Specialist (in person); Jeffrey Naugle, Manager of Treasury Operations (in person); Kelly Horvath, Executive Administrative Assistant (in person); Kevin Scheurich, Asst. Chief Engineer-Design (in person); Sean Laudenslager, End User Support Supervisor (in person); Anthony Phillips, Summer Intern (in person); Emmanuel Owusu, Summer Intern (in person); Jaemin Ahn, Summer Intern (in person); Nicholas Blasioli, Summer Intern (in person); Brad Sattin, Focus Media Services; Camille Evans, Virtus, LLP; Casey Waller, HDR; Clyde Naugle, Markosky; Craig Beissel, Volkert; David Conti, HDR; Dean Mackin, Mackin Engineering; Derek Rogers, RIG; Doug Aiken, Mackin; Eric Epstein, Rock the Capital (in person); Eric Madden, JMT; George Settelmaier, KSE; Jason Gagen, Greenman-Pedersen; Jill Bolt, Navarro & Wright; Jim Brady, STV; Joe Romano, Larson Design; Karen Gabel, Erdman Anthony; Katrina Harris, Bridge Consulting Corp.; Lisa Brozey, AECOM; Lugene Keys, McCormick Taylor; Mark Karolski, Buchart Horn; Michele Donaghy, T.Y. Lin; Michele Girolami, Gibson Thomas; Mike Houser, Markosky; Paul O'Rourke, HDR; Pete Capizzi, Quality Engineering; Roger Eaton, HDR; Samantha Osbourne, Virtus, LLP and Steve Barber, Michael Baker (in person); Steve McGinley, Kimley-Horn.



Chair Gramian 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. Mrs. Edwards welcomed the Commissioners, employees and guests on the WebEx and made the following statement:

With the lifting of the Commonwealth's mask and occupancy limitation related to the COVID-19 emergency, the Pennsylvania Turnpike Commission Meetings are being held in person. However, the Commission will also continue to post call-in/WebEx information for those who wish to attend the

meeting via telephone/WebEx. The WebEx information was posted at least 48 hours in advance of the meeting. This meeting is being recorded and the Commission will post the recording on its website.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included a termination, new hires, salary matrix, reclassifications, promotions, vacancies and requests to create, post and fill positions in the Information Technology, Engineering, and Compliance, Legislative and Cultural Affairs Departments.

The Commissioners also discussed Docket No. 5:22-CV-01420-JLS and engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Mrs. Edwards: Copies of today's agenda are located in the Large Board Room for those attending in person. The agenda is also available on the Commission website at least 48 hours in advance of the meeting. 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 requested time to speak at least 48 hours in advance of this meeting.

The Commission recognized Eric Epstein of the Rock the Capital. Mr. Epstein discussed his concerns with the posting of the Agenda, attachments to the Minutes, RTK requests, criteria of agencies not paying tolls and tolling violations.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held May 17, 2022 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



COMMUNICATION

Motion-That the Commission approve the memo received from the Chief Counsel-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



UNDERWRITERS

Motion-That the Commission approve amending the pool of qualified underwriters to provide professional and other specialized services to include Mesirow Financial, Inc.-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreement, a Lease and Amendment for the items listed in memos “a” through “c”:

- a. Amendment to the Memorandum of Understanding between the Commission and YWCA-Greater Harrisburg, to extend the term and to change the project name from PAATH 15 to PAATH 15 Crossroads;
- b. Lease Agreement with New Cingular Wireless PCS, LLC (NCW) to permit NCW to continue to lease equipment and space on the Bear Creek/Wilkes-Barre tower at a monthly fee of \$3,000.00 for ten (10) years with three (3) successive five (5) year renewal terms;
- b. Agreement with the E-ZPass Interagency Group’s (IAG)members for an Interoperability Hub Third-Party beneficiary agreement to revise the present IAG toll reciprocity architecture and process to provide a flexible and easily scalable platform upon which evolving IAG business needs can be addressed and to facilitate national toll interoperability.

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

Motion-That the Commission approves the negotiation and execution of the Amendment for the item listed in memo “d”:

- d. Amendment to our agreement with Alliant Broker Services for Human Resources insurance and COBRA Administration; exercising the option to renew the agreement for an additional two years (November 4, 2022 – November 3, 2024); at a cost of \$148,200.00.

-was made by Commissioner Deon, seconded by Commissioner Ahmad; Commissioners Lieberman abstained.

COMMISSIONER LIEBERMAN: I abstain on this item because Alliant Broker Services is clients of my firm.

The motion passed.



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos "a" and "j":

- a. Acquisition of Right-of-Way #14S365 (Roberta C. & Daniel Krznic), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 by authorizing payment of \$609.00 representing fair market value and pro-rated taxes to Roberta C. & Daniel Krznic; 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 #14S433 (Heather & David Schmoutz), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt 51 to I-376, by authorizing payment of \$2,621.00 representing fair market value and pro-rated taxes to Heather & David Schmoutz; 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 #1A114-B (Suzanne L. Trout), a partial take parcel necessary for pre-entry ITS installation for the Western Gaps project, by authorizing payment of \$1,761.03 representing fair market value and pro-rated taxes to Suzanne L. Trout; also authorize payment of \$81.25 representing recording fees to Westmoreland 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-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;
- d. Acquisition of Right-of-Way #1A119-C (Theresa C. Geary), a partial take parcel necessary for pre-entry ITS installation for the Western Gaps project by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Theresa C. Geary; also authorize payment of \$81.25 representing recording fees to the Westmoreland 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-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;
- e. Acquisition of Right-of-Way #1A194-A (Beverly J. Emert), a partial take parcel necessary for pre-entry ITS installation for the Western Gaps project by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Beverly J. Emert; also authorize payment of \$81.25 representing recording fees to the Westmoreland 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-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 #8947-B (Michele D. Hettler), a partial take parcel necessary for pre-entry ITS installation for the Eastern Gaps project by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Michele D. Hettler; also authorize payment of \$73.75 representing recording fees to the Carbon 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-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. Acquisition of Right-of-Way #6042-B (Benjamin C. & Carol Auger; Pine Creek Stables, LLC), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$1,811.38 representing fair market value and pro-rated taxes to Pine Creek Stables, LLC; also authorize payment of \$168,525.84 representing fair market value, pro-rated taxes and Section 710 fees to Benjamin C. & Carol Auger; 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;
- h. Settlement of Right-of-Way #17638 (Alan R. & Carolyn R. Rank), a partial take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$2,500.00 representing settlement to Alan R. & Carolyn R. Rank; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release as approved by the Legal Department; and payment of settlement funds is contingent upon Condemnees delivery of an executed Settlement Agreement and General Release;
- i. Acquisition of Right-of-Way #14S208 (PSPC, LLC; Principals-Peter J. Caruso, IV; Sandra A. Caruso), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$340,268.66 representing fair market value and pro-rated taxes to PSPC, 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;
- j. Acquisition of Right-of-Way #6001-C (Frederick C. Senn; Carl A. Senn), a total take parcel necessary for the total reconstruction project from MP 298.00 to MP 302.00 by authorizing payment of \$255,792.47 representing fair market value, pro-rated taxes and recording fees to

Diversified Settlement Services, Inc., 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 is contingent upon the delivery of a deed as prepared by the Legal Department.

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



ADVERTISING

Motion-That the Commission approve advertising for the items listed in memos “a” and “b”:

- a. Engineering firm to perform inspection, design and evaluation services for the Commission’s communications towers;
- b. Contract #T-197.48S003-3-02 for a traffic management system for the Blue Mountain and Kittatinny Tunnels between MP 196.50 and MP 200.40.

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



PURCHASE ORDERS

Motion–That the Commission approve the Award of a Bid, Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “e”:

- a. Inspection, testing and maintenance of fire alarm and sprinkler systems in the west (June 2022 – April 2024), to the lowest responsive and responsible bidder, Siemens Industry, Inc.; at a cost of \$431,000.00;
- b. Environmental Systems Research Institute (ESRI) GIS software maintenance, exercising the option to renew the agreement through June 2023 with ESRI; at a cost of \$106,760.67;
- c. Splunk Enterprise security incident event monitoring, exercising the option to renew the agreement through July 18, 2023 with CDW Government, LLC/CDW, LLC; at a cost of \$117,415.16;
- d. Sludge and residual wastewater removal, exercising the option to renew the agreement through June 2023 with ACV Enviro APV/Allstate Power Vac, Inc.; at a cost of \$250,000.00;
- e. Palo Alto firewall cluster and IoT subscription with ePlus Technology, Inc. (originally procured via Commonwealth’s contract), to cover final migration of CheckPoint firewall and security platform to Palo Alto Networks since it offers more advanced security features, performance increase in hardware and wider support for emerging technologies, and for future procurement of the Palo Alto XSOAR platform; at a cost of \$478,802.66.

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



CONTRACT AWARD

Motion-That the Commission approves the Award of Contracts for the items listed in memos “a” through “c”:

- a. Contract #EN-00115-03-09 for construction of tolling facilities between MP A99.01 and MP A121.75, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$8,363,987.83 and a contingency of \$400,000.00;
- b. Contract #T-075.39R001-3-02 for concrete repairs at New Stanton Interchange, to the lowest responsive and responsible bidder, C.H. & D. Enterprises, Inc.; at a not-to-exceed amount of \$3,977,853.85 and a contingency of \$160,000.00;
- c. Contract #T-333.28R001-3-02 for asphalt resurfacing of the Norristown Interchange, to the lowest responsive and responsible bidder, J.D. Eckman, Inc.; at a not-to-exceed amount of \$3,367,585.57 and a contingency of \$150,000.00.

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



CHANGE ORDERS

Motion-That the Commission approve the Change Orders for the items listed in memos “a” through “c”:

- a. Change Order #4 for Contract #T-334.00R002-3-02 for bituminous resurfacing between MP 333.90 and MP 340.05 and median barrier replacement between MP 337.37 and MP 340.03 with Allan Myers, L.P., for an increase of \$567,740.00 for concrete pavement repairs, mill and pave bridge approaches, pavement joint, dowel retrofit and rapid set latex concrete pavement patching; for a revised not-to-exceed amount of \$16,162,658.11;
- b. Change Order #2 for Contract #T-308.00T001-3-05 for the replacement of Bridge EB-719 at MP 310.36 with J.D. Eckman, Inc., for a 115-day time extension due to utility delays;
- c. Change Order #16 for Contract #S-006.00X002-3-10 for construction of the Southern Beltway, MP S17.04 to MP S19.23, with Walsh Construction Company, for an increase of \$1,455,760.04 to balance items to actual work completed, deck form modifications, sewer line relocation, conversion of temporary sediment basins to permanent stormwater basins, drainage, erosion control, electrical work, and a 113-day time extension due to extra work; for a revised not-to-exceed amount of \$182,641,207.34.

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



SUPPLEMENTAL AGREEMENTS

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

- a. Supplemental Agreement #2 for construction management/construction inspection (CM/CI) services for the roadway and bridge reconstruction between MP 125.00 and MP 134.00 with Stahl Sheaffer Engineering, LLC, for an increase of \$9,000,000.00 to complete the CM/CI services for the MP 126.00 to MP 130.50 project and pre-construction services for the MP 130.50 to MP 134.00 project; for a revised not-to-exceed amount of \$25,566,625.38;
- b. Supplemental Agreement #2 for open-end quality assurance laboratory testing services with GeoStructures, Inc., to allow for the assignment of new work orders through November 30, 2024; no additional funding needed.

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



AWARD OF SERVICES

Motion-That the Commission 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” and “b”:

- a. RFP 7307, virtual public engagement services for highway projects; the highly recommended firms in alphabetical order:
 - HDR Engineering, Inc.-AWARD
 - Kimley-Horn & Associates, Inc.

The Commission has selected firm HDR Engineering, Inc. for award based on the Commission’s determination that the firm’s Statement of Interest is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. The firm has significant similar experience for PennDOT and other state DOTs, they have a thorough understanding of the lifecycle of our projects, proposed a structured but flexible approach and demonstrated the ability to identify the audience including components for environmental and social justice-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.

- b. T00193/T00194, construction inspection services between MP 0.00 and MP 200.00, I-376, Turnpike 576, Turnpike 66 and Turnpike 43; the highly recommended firms in alphabetical order:
 - The Markosky Engineering Group, Inc.-AWARDED
 - Stantec Consulting Services, Inc.-AWARDED
 - Greenman-Pedersen, Inc.
 - A&A Consultants, Inc.

The Commission has selected firms The Markosky Engineering Group, Inc. and Stantec Consulting

Services, Inc. for award based on the Commission's determination that the firm's Statement of Interest is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. The firm has significant similar experience for PennDOT and other state DOTs, they have a thorough understanding of the lifecycle of our projects, proposed a structured but flexible approach and demonstrated the ability to identify the audience including components for environmental and social justice-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously



AUTHORIZATION

Motion-That the Commission authorize the Communications and Customer Experience Department to negotiate sponsorship agreements for advertising PA Turnpike E-ZPass and other tolling and safety programs, as prepared or approved by the Legal Department, and approved in accordance by the CEO up to current purchase order and contract value approval thresholds; and authorize the appropriate Commission officials to execute the agreements as necessary-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, June 21, 2022 beginning at 11:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:24 a.m.-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

Wadud Ahmad
Secretary Treasurer

ATTACHMENT:

Memo received from the Chief Counsel

Memo received from Eric Epstein.