

MINUTES OF THE COMMISSION MEETING HELD MAY 2, 2023

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:02 a.m. on Tuesday, May 2, 2023 at the Central Office located in Middletown, Pennsylvania. Available via telephone were William K. Lieberman, Vice Chair; Sean Logan, Secretary Treasurer; Wadud Ahmad, Commissioner; Pasquale T. Deon, Commissioner; and Michael Rebert, Acting Deputy Secretary for Highway Administration.

Also available for the meeting were Mark Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; John DelRicci, Director of Maintenance; Kelli Roberts, Director of Policy and External Affairs (via phone); Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via phone); Steve Barber, Michael Baker Int'l.; and Ann Louise Edwards, Asst. Secretary Treasurer.

Others available via telephone were Catherine Clements-Jenkins, Director of Diversity & Inclusion (in person); Daniel Russell, Consultant (in person); Don Klingensmith, Asst. CFO-Financial Administration (in person); Gina Murray, Manager of Professional Services Procurement; Jason Falchek, End User Support Technician 2 (in person); Jeff Naugle, Manager of Treasury Operations (in person); Joe Sutor, Planning & Design Services Manager (in person); Katherine Hartzell, Director of Technology & Innovation (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); Shanna Baranko, Executive Administrative Assistant; Stephanie Newbury, Senior Procurement Specialist; Steve Marroni, Communications Specialist (in person); Tom Porter, Michael Baker Int'l.; Bernie Bydlon, Navarro & Wright; Chris Smith, Modjeski; Crystalann Deardorff, Susquehanna Civil; David Lowdermilk, WSP; Derek McNeil, Siebert Williams Shank & Co.; Don Blough; Don Killmeyer, ms consultants; Ed Reese, GPD Group; George Settelmaier, KSE; Jeff Davis, TranSystem; Jennie Louwerse, WSP; Jordan Angel, Gartner; Luz Santana, Susquehanna Civil, Inc.; Michele Donaghy, TY Lin; Patrick Kane, GPI; Paul McNamee, KCI; Robert Maschke, WSP; and Sean Sawford.



Vice Chair Lieberman led the Commissioners, staff and visitors in the Pledge of Allegiance.



The Asst. 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 reclassification, promotions, new hires, vacancies, and a request to abolish vacant, unbudgeted positions.

The Commissioners also 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.

We had no requests to address the Commission.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held April 18, 2023, be approved and filed as submitted-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATION

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



POLICY LETTER

Motion-That the Commission adopt the revisions to Policy Letter 2.12, Vacation Leave Usage for Retirement or Voluntary Separation, to change Policy Letter name to Vacation and Sick Runout to Retirement or Voluntary Separation; expand the policy to include Union employees; include using vacation leave to create a part-time schedule, add and update definitions; revamp the Procedures section to include updated changes, general clarification, formatting modifications and add a disclaimer. -was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



AGREEMENTS

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

- a. Amendment to our Agreement with Apex Energy (PA), LLC to explore, develop and produce oil and gas in the Marcellus Shale Formation in Hempfield Township, Westmoreland County, to include an additional 18.783 acres; and authorize the appropriate Commission officials to execute the amendment as agreed upon by both parties;
- b. Supplemental Agreement and Release with Jill Laroussi; and authorize payment of the workers’ compensation settled amount;
- c. Amendment to our Reimbursement Agreement with Norfolk Southern Railroad (railroad) for flagging and engineering services for the replacement of Bridge WB-211 at MP 13.21, to remove the flagging services from the agreement with a corresponding reduction in costs as the railroad requires the Commission’s prime contractor to enter into an agreement directly with a flagging subcontractor.

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



RIGHT-OF-WAY

Motion-That the Commission approve the Right-of-Way requests for the items lists in memos “a” and “b”:

- a. Extension of a Temporary Construction Easement for Right-of-Way #12035-J3 (Beaver County Corporation for Economic Development/ Lewis Villotti, Laura Rubino, Ed Nemeth, Angela Franks, Nick Francalanica and Rebecca Holt), for the Beaver River Bridge replacement project, to extend the term of the easement for an additional two-years, authorizing payment of \$21,300.00 representing fair market value to Beaver County Corporation for Economic Development; authorize the appropriate Commission officials to execute the required Temporary Construction Easement Agreement 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 Temporary Construction Easement Agreement as approved by the Legal Department;

- b. Settlement of Right-of-Way #7130-A (Bella J. Fiorvanti), a total take parcel necessary for the I-95 Interchange, Section D30, by authorizing payment of \$136,205.35 to Nationstar Mortgage LLC; authorize the appropriate Commission officials to execute the Settlement Agreement and Release as approved by the Legal Department; and payment of settlement funds is contingent upon the receipt of an executed Settlement Agreement and Release.

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



ADVERTISING

Motion-That the Commission approve advertising for an Open-end Traffic Engineering and Operations contract services systemwide-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approve the Change Orders and Issuance of Purchase Orders for the items listed in memos “a” through “g”:

- a. Western Regional Office (WRO) data center rebuild, utilizing the Commonwealth’s contract with ePlus Technology, Inc.; at a cost of \$198,041.40;
- b. Engineering Automation Work Order Services II-GS, utilizing the Commonwealth’s contract with Microdesk Inc.; at a cost of \$2,302,356.81;
- c. MFP managed print contract, exercising the option to renew the agreement for an additional year (July 2023 – June 2024) with Fraser Advanced Information Systems; at a cost of \$450,000.00;
- d. Disaster recovery service (May 3, 2023 – May 2, 2026), utilizing the Commonwealth’s contract with CDW Government LLC; at a cost of \$412,000.00;
- e. DocuSign Enterprise support contract license management, to support the license requirements for Contract Life Cycle Management (May 5, 2023 through May 24, 2024) with Carahsoft Technology Corp.; at a cost of \$74,225.00;
- f. Fifteen (15) Nissan Rogue vehicles, utilizing the Commonwealth’s contract with Apple Nissan, Inc.; at a cost of \$421,620.00;
- g. Three (3) Jeep Grand Cherokees, utilizing the Commonwealth’s contract with Apple Chrysler Dodge Jeep Ram of Hanover; at a cost of \$125,805.00.

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



AWARD OF CONTRACTS

Motion-That the Commission approve the Award of Contracts for the item listed in memos “a” and “b”:

- a. Contract #T-172.27R001-3-02 for the Sideling Hill Service Plaza truck parking expansion to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$28,142,250.00 and a contingency of \$1,500,000.00;
- b. Contract #EN-00258-03-02 for signing and sign structure replacement between MP A56.00 and MP A131.00, to the lowest responsive and responsible bidder, Collinson Inc.; at a not-to-exceed amount of \$4,653,005.18 and a contingency of \$300,000.00.

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



CHANGE ORDERS

Motion-That the Commission approve the Change Order for the item listed in memo “a”:

- a. Change Order #22 for Contract #T-040.00T001-3-09 for roadway and bridge reconstruction from MP 39.62 to MP 44.04 and bituminous resurfacing from MP 47.07 to MP 47.78 with Trumbull Corporation; for an increase of \$1,133,114.33 for stabilization work to achieve Notice of Termination of the T-040.00T001-3-08 NPDES permit; for a revised not-to-exceed amount of \$96,819,446.45;

-was made by Commissioner Logan, seconded by Commissioner Deon. Vice Chair Lieberman abstained. COMMISSIONER LIEBERMAN: I abstain on this item because Trumbull Corporation is a client of my firm. The motion passed.

Motion-That the Commission approve the Change Orders and Final Payment for the items listed in memos “b” through “e”:

- b. Change Order #12 for Contract #S-006.00X002-3-13 for the installation of signs along Southern Beltway SR 0576, Section 55S between MP S00.00 and MP S19.53 with Power Contracting Company for an increase of \$225,512.73 for normal quantity adjustments for the Fort Cherry Intersection improvements; for a revised not-to-exceed amount of \$13,495,803.99;
- c. Change Order #1 for Contract #EN-00115-03-09 for construction of tolling facilities between MP A99.01 and MP A121.75 with Road-Con, Inc. for a decrease of \$12,000.00 for lane rental fees; for a revised not-to-exceed amount of \$8,351,987.83;
- d. Change Order #8 and Final Payment for Contract #S-006.00X002-3-15 for construction of the Southern Beltway Maintenance Facility at MP S15.30 EB for a decrease of \$51,137.00 with Gito,

Inc. d/b/a Nello Construction Company for a credit due to a reduction of work at the salt shed; for a final contract value \$14,780,689.24 and a final amount due to the contractor of \$8,863.00;

- e. Change Order #23 for Contract #S-006.00X002-3-10 for the construction of the Southern Beltway SR 0576, Section 55C2-1 between MP S17.04 and MP S19.23 with Walsh Construction Company II, LLC for an increase of \$1,239,652.30 for normal quantity adjustments and transferring basin work conversion items from the 55C1-2 contract to 55C2-1 contract; for a revised not-to-exceed amount of \$187,646,621.82.

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



SUPPLEMENTAL AGREEMENT

Motion-That the Commission approve the negotiation and execution of Supplemental Agreement #2 for Contract #EN-00115-02-02 with Stantec Consulting Services, Inc. for Cashless Open Road Tolling (ORT) design services on the Mon/Fayette Expressway, Section 53B1 and 53B2, for an additional \$200,000.00 to complete design services; for a revised not-to-exceed amount of \$2,350,000.00-was made by Commissioner Logan, seconded by Commissioner Deon, passed unanimously.



OPERATING BUDGET/CAPITAL PLAN

Motion-That the Commission approve the proposed Fiscal Year 2023-2024 Annual Operating Budget and the Fiscal Year 2024 Ten Year Capital Plan as set forth in memos "a" and "b":

- a. Adopt the proposed Resolution and approve the Annual Operating Budget for the 2023-2024 Fiscal year in the amount of \$437,740,959.00;
- b. Approve the proposed Fiscal Year 2024 Ten Year Capital Plan and grant approval for staff to procure long lead equipment items and advertise for the use of consultants, contractors and other necessary professional services to advance all phases of projects within the first two years of the adopted plan.

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



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, May 16, 2023 beginning at 11:00 a.m.



ADJOURNMENT

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



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Asst. Secretary Treasurer

Sean Logan
Secretary Treasurer

ATTACHMENT:

Memo received from the Chief Counsel