

MINUTES OF THE COMMISSION MEETING HELD MARCH 7, 2023

A formal meeting of the Pennsylvania Turnpike Commission convened at 3:00 p.m. on Tuesday, March 7, 2023 at the Central Office located in Middletown, Pennsylvania. Present for the meeting was Michael Carroll, Chair. Available via telephone were William K. Lieberman, Vice Chair; Sean Logan, Secretary Treasurer; Pasquale T. Deon, Commissioner and Wadud Ahmad, Commissioner.

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

Others available via telephone were Catherine Clements-Jenkins, Director of Diversity & Inclusion (in person); Cory Campbell, Senior Network Engineer; Daniel Russell, Consultant (in person); Dave Smith, Property Management Administrator; Don Klingensmith, Asst. CFO-Financial Administration (in person); Gina Murray, Manager of Professional Services Procurement; Fawn Cassel, Contract Management Services Manager; Jeff Naugle, Manager of Treasury Operations (in person); Kelly Horvath, Executive Administrative Assistant (in person); Kevin Scheurich, Asst. Chief Engineer/Design (in person); Lara Brenckle, Strategic Programs Manager (in person); Sean Laudenslager, End User Support Supervisor (in person); Sheri Norris, Director of Human Resources; Stephanie Newbury, Senior Procurement Specialist; Steve Barber, Michael Baker Int'l. (in person); Steve Marroni, Communications Specialist (in person); Thomas Macchione, Manager of Traffic Engineering (in person); Nerma Gobeljic, Finance Trainee (in person); Allison Schaffer, JBC; Alyssa Barlup, NTM; Ashley Palmer, M&M; Bernie Bydlon, Navarro & Wright; Bernie Rohe, Tectonic Eng.; Brad Milbrand, CAI; Brian Hoover, CDM; Brian Kimmett, RTC (in person); Brian Hansel; Brian Weidman; Chris Carbutt, JBC; Chris West, Lochner; Cheryl Teamann, HDR; Curtis Sonno, Dewberry (in person); Dan Snow, TRC; Daphney Sweger, WBCM; Dave Snively, CDR Maguire; David Lowdermilk, WSP; David Thomas, Hill Intl.; Dean Mackin, Mackin; Derek Rogers, RIG; Don Killmeyer, ms consultants; Doug Aiken, Mackin; Doug Foltz; Ed Reese, GPD Group; Eric Epstein, RTC (in person); Erin Brenneman, Modjeski & Masters; Gary Graham, Bowman; Garrett Amsbaugh, CCJM; George Settelmaier, KSE; Greg Shiffler, CDR; Irene Eells, JMT; J. Perrego, WBCM; Janet Cunningham, JBC; Jason Bono, HDR; Jay Roth, Jacobs; Jennie Louwerse, WSP; JT Lincoln, Dewberry (in person); Jack Mundy, Stantec; Jeff Hans, HDR (in person); Jill Bolt, Navarro Wright; Jim Brady, STV; John Yacapsin, Susquehanna Civil; John Zawaski, JBC; Joseph Sullivan, WSP; Jul Yost, Earth; Karen Gabel, Erdman Anthony; Ken Olup, Hill; Kristi Reichard, JMT; Marianne Campbell, AGES; Mark Weller; Massy Paul, Monaloh Basin; Matt Macey, CDR; Michael Sydlik, Earth, Inc.; Michele Girolami, Gibson Thomas; Mike Houser, Markosky; Mike House, Modjeski & Masters; Nicki Jacobs, GPI; Nicholas Brien, Dawood; Osaze Romany, Bancroft Capital; Patrick McCabe, GPI; Paul DiGirolamo, Hill Intl.; Paul McNamee, KCI; Patrick Kane, GPI; Pete Capizzi, Quality Engineering; Robert Maschke; Scott Schaeffer, JBC; Scott Schriener; Seemon Georges, Volkert; Stephen Janosko, Mackin; Steve Rodgers, Lochner; Steve Ryan, JBC; Todd Cruny, Mackin; Tom Davis, Urban; and Tom Smith, Kleinfelder; and Todd Starkey, GEO Build.



Chair Carroll 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, new hires, promotions, vacancies, and requests to post and fill positions in the Engineering Department.

The Commissioners also discussed Matter No. 403890/EN-00232-03-03 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 Rock the Capital. Mr. Epstein discussed his concern regarding external communication protocol on website, the five outstanding Right-To-Know requests, and the fact the prior meeting was over in a short period of time with millions of dollars being approved.

RTC live streamed the meeting.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held February 21, 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 LETTERS

Motion-That the Commission approve adopting revisions to the Policy Letters for the items listed in memos "a" and "b":

- a. Revisions to Policy 3.02, External Communications, to describe the protocol that applies to all external communications by Commission employees regarding any incident;
- b. Revisions to Policy 3.05, Substance Abuse, to include the addition of comprehensive Drug and Alcohol Testing Program procedures; offer employees, consultants, and contractors guidelines regarding the PTC's drug and alcohol programs in order to maintain a drug and alcohol-free workplace; and define prohibitions, responsibilities, circumstances for testing, testing procedures, consequences for misuse of controlled substances and alcohol, and effects of alcohol and controlled substances on individuals.

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



AGREEMENTS

Motion-That the Commission approve the negotiation and execution of the Agreements for the items listed in memos "a" through "d":

- a. Agreement with Emlenton IGA to distribute E-ZPass GoPaks at its location;

- b. Lease Agreement with Upward Broadband LLC (Upward) to permit Upward to lease space on the Commission's Tuscarora Tunnel/Willow Hill tower at a monthly fee of \$1,500.00 for three (3) years with three (3) successive three (3) year renewal terms;
- c. Authorize the Director of Policy and External Affairs to identify opportunities and negotiate agreements, to sponsor community partners in furtherance of Commission stakeholder relationships as approved by the Legal Department and in accordance with the current procurement approval thresholds; and authorize the appropriate Commission officials to execute the agreements as required;
- d. Reimbursement Agreement with PECO Energy Company (PECO), to reimburse PECO the costs for the engineering and utility relocation work necessary for the I-95/I-276 Interchange project, at a not-to-exceed cost of \$500,000.00.

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



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approve the Right-of-Way requests for the items listed in memos "a" through "c":

- a. Acquisition of Right-of-Way #14S292 (Andrew V. Borriello), a partial take parcel necessary for the construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$22,654.50 representing fair market value and pro-rated taxes to Andrew V. Borriello; 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;
- b. Acquisition of Right-of-Way #7181-A (Donna M. Zuczek), a total take parcel necessary for the Delaware River Bridge Replacement project, by authorizing payment of \$704,438.19 representing fair market value, pro-rated taxes, recording fees and closing costs to Diversified Settlement Services, Inc., as 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;
- c. Acquisition of Right-of-Way #8268-B (Lower Macungie Township), a partial take parcel necessary for the total reconstruction project from MP A53.00 to MP A57.00, by authorizing payment of \$621,100.00 representing fair market value to Lower Macungie Township; 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 Logan, seconded by Commissioner Deon, and passed unanimously.



ADVERTISING

Motion-That the Commission approve advertising for construction of the Mon/Fayette Expressway, S.R. 0043, Section 53A2, between MP M54.27 and MP M57.53-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDER

Motion-That the Commission approve the Issuance of a Purchase Order for Microsoft Unified (Premier) Support services, exercising the option to renew the contract for three (3) years (March 29, 2023 – March 28, 2026) with Microsoft Corp.; at a cost of \$1,719,580.32-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



CONTRACT AWARDS

Motion-That the Commission approve the Award of Contract for the item listed in memo “a”:

- a. Contract #M-039.00R002-3-02 for asphalt resurfacing between MP M39.82 and MP M44.75, to the lowest responsive and responsible bidder, Lindy Paving, Inc.; at a not-to-exceed amount of \$12,971,237.08 and a contingency of \$600,000.00;

-was made by Commissioner Logan, seconded by Commissioner Deon;

COMMISSIONER LIEBERMAN: I abstain on this item because Lindy Paving, Inc. is a client of my firm. The motion passed.

Motion-That the Commission approve the Award of Contract for the item listed in memo “b”:

- b. Contract #T-087.16S001-3-02 for bridge painting and repairs between MP 87.16 and MP 90.14, to the lowest responsive and responsible bidder, Allison Park Contractors, Inc.; at a not-to-exceed amount of \$2,885,000.00 and a contingency of \$100,000.00.

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



CHANGE ORDERS

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

- a. Change Order #2 and Final Payment for Contract #EN-00272-03-04 for bridge repairs between MP 236.22 and MP 356.42 and between MP H40.83 and MP H43.44 with J.P.S. Construction Co., Inc. for a decrease of \$493,899.53 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,006,100.47 and final amount due to the contractor of \$40,122.01;
- b. Change Order #5 for Contract #EN-00232-03-03 for design/build project for the fiber optic network installation between MP 333.30 and MP A130.60 with Black and Veatch Construction, Inc. for an increase of \$7,637,696.57 for additional costs incurred and anticipated additional costs for trenching due to unforeseen conditions of the existing aggregate; for a revised not-to-exceed amount of \$58,026,691.83.

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



IAG

Motion-That the Commission approve payment of the E-ZPass Interagency Group’s (IAG) invoice for expenses incurred in supporting the backup Virtual Private Network (VPN), from December 2021 – December 2022, in the amount of \$8,071.83-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



SUPPLEMENTAL AGREEMENT

Motion-That the Commission approve negotiation and execution of Supplemental Agreement #1 for Contract #EN-00283-02 for Open-End Geotechnical Engineering Services with Earth, Inc., for an increase of \$100,000.00 to provide stop-gap funding to maintain the Commission’s ability to obtain Geotechnical Engineering Services, including supplemental staff for Drilling Program Management until the Commission hires a Drilling Program Manager; for a revised not-to-exceed amount of \$1,100,000.00 -was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously



AWARD OF SERVICES

Motion-That the Commission approve the award of services and authorize the negotiations and execution of an agreement with the selected firms for the items listed in memos “a” through “c”:

- a. T00217, Construction Management/Construction Inspection for the Lafayette Street Interchange; the highly recommended firms in alphabetical order:

- AECOM Technical Services, Inc.-AWARDED
- JBC Associates, Inc.
- TRC Engineers, Inc.

-after staff briefing and deliberation, a motion was made by Commissioner Deon, seconded by Commissioner Logan with Commissioner Ahmad opposing. Motion passed.

The Commission has selected AECOM Technical Services, Inc. for award based on the Commission’s determination that the firms’ proposals are the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. The firm has 720 employees throughout the state of Pennsylvania. Additionally, some of their PTC dollars have not been utilized since 2013 thus decreasing its total dollar value with the Commission.

- b. T00222, Design services for the replacement of Bridge EB-115 at MP 237.69; the highly recommended firms in alphabetical order:

- Dawood Engineering-AWARDED
- Century Engineering
- Modjeski and Masters

-after staff briefing and deliberation, a motion was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.

The Commission has selected Dawood Engineering for award based on the Commission’s determination that the firms’ proposals are the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. It is a Diverse Business and located in Harrisburg, Pennsylvania.

- c. T00220, Construction Management and inspection for the New Cumberland Maintenance Facility; the highly recommended firms in alphabetical order:

- Gannett Fleming, Inc.-AWARDED
- TRC Engineers, Inc.

-after staff briefing and deliberation, a motion was made by Commissioner Deon, seconded by Commissioner Logan with Commissioner Ahmad opposing. Motion passed.

The Commission has selected Gannett Fleming, Inc. for award based on the Commission’s determination that the firms’ proposals are the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. Gannett Fleming has 981 employees based in Pennsylvania as well as several Diverse Business consultants listed for this project. Additionally, some of their PTC dollars have not been utilized since 2015 thus decreasing its total dollar value with the Commission.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, March 21, 2023 beginning at 11:00 a.m.



POST

Tim Scanlon, Director of Traffic Engineering and Operations and Thomas Macchione, Manager of Traffic Engineering gave updates on the Work Zone Safety program.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 3:30 p.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

ATTACHMENTS:

Memo received from the Chief Counsel
Memo received from Eric Epstein, Rock the Capital