

MINUTES OF THE COMMISSION MEETING HELD OCTOBER 4, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:12 a.m. on Tuesday, October 4, 2022 at the Central Office located in Middletown, Pennsylvania. Available via telephone were Wadud Ahmad, Chair; William K. Lieberman, Vice Chair; Sean Logan, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Mike Keiser, 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; Carl DeFebo, Director of Communications 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 Taylor, Chief Technology Officer; Sheri Norris, Director of Human Resources; Stacia A. Ritter, Esq., Asst. Chief Operating Officer/Toll Collection (via telephone); Tom Porter, Michael Baker Int'l.; and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Cory Campbell, Senior Network Engineer; Don Klingensmith, Asst. CFO-Financial Administration (in person); Daniel Russell, Consultant (in person); Gina Murray, Manager of Professional Services Procurement (in person); Jeff Naugle, Jeff Naugle, Manager of Treasury Operations (in person); Kelly Horvath, Executive Administrative Assistant (in person); Robert Johnson, Clerical Floater; Sean Laudenslager, End User Support Supervisor (in person); Wendy Callahan, Procurement Specialist; Steve Barber, Michael Baker Int'l. (in person); Alyssa Barlup; Andrea Gosfield, Gosfield Law; Becky Beirlair; Bernie Bydlon, Navarro & Wright; Camille Evans, Virtus, LLP; Crystalann Deardorff, Susquehanna Civil; Eric Madden, JMT; Ed Reese, GPD Group; Jacque Foster; Jock Rowe, Teamsters Local 77; Kate Farrow; Lou Cortelazzi, McMahon Associates; Michele Girolami, Gibson Thomas; Paul McNamee, KCI; Roger Eaton, HDR; Sarah Cassi, News Reporter; Seemon Georges, Volkert; and Vico Innocenti, Fisher Associates.



Chair Ahmad 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, promotions, new hires, reclassifications, and vacancies.

The Commissioners also discussed Docket Nos. 2022-PTC-771, 4201 and 4208 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.

We had no requests to address the Commission.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held September 20, 2022 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 approves personnel as submitted-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



UNFINISHED BUSINESS

No Unfinished Business to consider.



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” through “c”:

a. T00211 and T00212, Open-End Environmental Services systemwide:

- A.D. Marble & Company-AWARDED
- NTM Engineering, Inc.-AWARDED
- Rettew Associates, Inc.
- Skelly & Loy, Inc.

- was made by Commissioner Logan, seconded by Commissioner Deon; and passed unanimously. The Commission has selected firms A.D. Marble & Company and NTM 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 firms have demonstrated the ability to deliver the required services. A.D. Marble & Company and NTM Engineering, Inc. have a low amount of workload with the Commission.

b. T00213, Construction Inspection Services West – Small Business Enterprise (SBE):

- A&A Consultants, Inc.-AWARDED
- Quinn Consulting Services, Inc
- SB Thomas & Associates, Inc.

-was made by Commissioner Logan, seconded by Commissioner Deon; and passed unanimously. The Commission has selected firm A&A Consultants, 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 demonstrated the ability to complete the requirements of this project and has performed very well on past projects, with similar services, thus demonstrating the ability to deliver the required services.

c. RFP 8738, Drug and Alcohol Testing Services:

- WorkforceQA, LLC-AWARDED

-was made by Commissioner Logan, seconded by Commissioner Deon; and passed unanimously. The Commission has selected WorkforceQA, LLC for award based on the Commission’s determination that the firms’ proposal is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. WorkforceQA, LLC is able to provide drug testing services and offer in-house specialists which allow for customized and timely resolution of testing and collection site issues, proposed strong qualifications and experience of professional staff and proposed a straightforward and thorough proposal.



UNDERWRITERS

REMOVED FROM THE AGENDA. Approve amending the pool of qualified underwriters to provide professional and other specialized services to include R. Seelaus & Co., LLC.



AGREEMENTS

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

- a. Amendment to our Agility Agreement with Pennsylvania Department of Transportation (PennDOT) to share best practice ideas, resources, as well as work jointly through the agility work plan process; exercising the option to renew the agreement for an additional year (through December 2023);
- b. Settlement Agreement and Release in the case of, Taylor v. Shontofski and PTC; and authorize payment of the settled amount;
- c. Reimbursement Agreement with Aqua Pennsylvania, Inc. (Aqua) for Aqua to reimburse the Commission for the construction costs and utility work for the total reconstruction project from MP 312.00 to MP 316.00; at a total estimated reimbursement to the Commission of \$61,518.00;
- d. **REMOVED FROM AGENDA;**
- f. Settlement Agreement and Release with Deblin, Inc. for the Use and Benefit of Trinity Excavating, Inc., and authorize payment of the settled amount.

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

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

- e. Agreement with the University of Pittsburgh and Swanson School of Engineering to fund the Electrified Roadway Strategic plan, multifunctional acoustic concrete metamaterial wall with noise cancellation and NOx reduction functionalities, sustainable and multifunctional geogrids made from recycled materials for energy harvesting and digital twin technology research projects for the Mon-Fayette Climate Resistant Corridor with the University of Pittsburgh Impactful Resilient Infrastructure Science and Engineering Consortium; at a not-to-exceed amount of \$2,573,746.00;

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

VICE CHAIR LIEBERMAN: I abstain on this item because I am on the board with University of Pittsburgh.



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos “a” through “e”:

- a. Acquisition of Right-of-Way #14S202 (Market Street Property Group, LLC; Principal-Jonathan Stark), a partial take parcel necessary for the construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$156,688.53 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement; 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-Ways #6047-D1 (Robert J. and Linda A. Moccia) and #6047-D2 (John D. and Jennifer E. Stewart), a partial take parcels necessary for the Total Reconstruction project at MP 312.00 to MP 316.00 by authorizing payment of \$30,000.00 representing fair market value to Charlestown Township and credited to each right-of-way claim equally; 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 Charlestown Township is contingent upon the delivery of a Partial Release of Conservation Easement and Declaration of Restrictive Covenants as prepared by the Legal Department,
- c. Acquisition of Right-of-Way #6045-B (Kara A. Dougherty, William J. Dougherty, Jr. and Jo Anna Dougherty), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$25,242.62 representing fair market value and pro-rated taxes to Kara A. Dougherty, William J. Dougherty, Jr. and Jo Anna Dougherty; 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 the fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- d. Release of Conservation Easement for Right-of-Way #6045-B (Kara A. Dougherty, William J. Dougherty, Jr. and Jo Anna Dougherty), a partial take parcel necessary for the Total Reconstruction project at MP 312.00 to MP 316.00 by authorizing \$36,071.00 representing fair market value to the French & Pickering Creek Conservation Trust, Inc., the County of Chester, the Pennsylvania Department of Conservation and Natural Resources and the Township of Charlestown (Holders); 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; authorize payment of fair market value to the Holders is contingent upon the delivery of a release of easement as prepared by the Legal Department;

- e. Adopt the proposed Property Acquisition for Right-of-Way #14S284-A (Blanche S. Paul), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, 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.

-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 #4400008489 with Navarro & Wright Consulting Engineers, Inc. for open-end quality assurance inspection, auditing, and laboratory testing services systemwide, to allow for assignments of work orders through the revised agreement completion date of February 28, 2025.-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approve the Award of Bids and the Issuance of a Purchase Order for the items listed in memos "a" through "f":

- a. Fuel storage tank services (December 2022 – November 2023), to the lowest responsive and responsible bidder Clark Contractors, Inc.; at a cost of \$3,000,000.00;
- b. Asphalt joint sealant (December 2022 – November 2023), to the lowest responsive and responsible bidder Crafc0, Inc.; at a cost of \$350,000.00;
- c. Western Regional Office data center generator, to the lowest responsive and responsible bidder Lima Company/Santapaul Corporation; at a cost of \$2,250,327.20;
- d. Gasoline contracts (November 2022 - October 2023), to the lowest and responsible bidders; and approval for staff movement of funds between contracts as needed during the contract term:

Gladieux Trading & Marketing, LP	\$ 1,300,000.00	Gibsonia, Jefferson Hills, Harrison City, Donegal, Searights, Trevose, Quakertown, Pocono, Wyoming Valley
Petroleum Traders Corporation	\$ 1,100,000.00	Homewood, S. Beltway, Kegg, Burnt Cabins, New Cumberland, Mt. Gretna, Bowmanville, Slatington
PAPCO	\$ 275,000.00	Newville
Glassmere Fuel Service	\$ 425,000.00	Greensburg, Everett
Mansfield Oil Co. of Gainsville	\$ 210,000.00	Devault
Contingency	<u>\$ 662,000.00</u>	
TOTAL AWARD & CONTINGENCY	\$ 3,972,000.00	

- e. Bird control service contract (November 2022 – October 2024), to the lowest and responsible bidder Bird Control Services, Inc.; at a cost of \$200,000.00;

- f. Nine (9) 2023 Chevrolet Silverado crew cabs trucks, utilizing the Commonwealth's contract with Apple Chevrolet/Westgate Chevrolet, Inc.; at a cost of \$569,720.00.

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



CONTRACT AWARDS

Motion-That the Commission approve the Award of Contracts for the items listed in memos "a" and "b":

- a. Contracts #EN-00284-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 to the lowest responsive and responsible bidder, Bill Anskis Company, Inc.; at a not-to-exceed amount of \$1,500,000.00;
- b. Contracts #EN-00284-03-03 for bridge repairs between MP 109.91 and MP 236.22, to the lowest responsive and responsible bidder, J.P.S. Construction Company, Inc.; at a not-to-exceed amount of \$1,500,000.00

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



CHANGE ORDERS

Motion-That the Commission approve Change Orders and Final Payments for the items listed in memos "a" through "h":

- a. Change Order #1 and Final Payment for Contract #EN-00277-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.00 with Eurovia Atlantic Coast, LLC for a decrease of \$2,242,050.74 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,757,949.26 and final amount due to the contractor of \$137,897.46;
- b. Change Order #9 for Contract #T-099.00T002-3-05 for roadway reconstruction between MP 101.69 and MP 109.10 with New Enterprise Stone & Lime Co., Inc. for an increase of \$3,393,000.00 for asphalt and diesel cost fluctuations; for a revised not-to-exceed amount of \$124,757,625.60;
- c. Change Order #10 for Contract #S-006.00X002-3-13 for installation of signs along Southern Beltway between MP S0.00 and S19.53 with Power Contracting Company for a decrease of \$140.20 for normal quantity adjustments, signage and pavement markings; for a revised not-to-exceed amount of \$13,280,001.64;
- d. Change Order #11 and Final Payment for Contract #T-122.18F004-3-02 for the Allegheny Tunnel lighting and conduit replacement with Mosites Construction Company for a decrease of \$1,009,799.88 for normal quantity adjustments and a property damage repair; for a final contract value \$19,481,238.82 and final amount due to the contractor of \$112,987.82;

- e. Final Payment for Contract #EN-00115-05-03-006 for the E-ZPass Customer Service Center site improvements with Landis C. Deck & Sons Site Contractors for a final contract value of \$980,778.22 and final amount due to the contractor of \$9,807.78;
- f. Change Order #1 and Final Payment for Contract #A-056.00M001-3-02 for the installation of pre-entry Intelligent Transportation Systems between MP A30.13 and MP A94.59 with Bruce & Merrilees Electric Company for a decrease of \$152,017.54 for normal quantity adjustments and the relocation of a light pole; for a final contract value of \$2,674,490.97 and final amount due to the contractor of \$73,950.71;
- g. Change Order #2 and Final Payment for Contract #A-051.30R001-3-02 for asphalt resurfacing between MP A51.37 and MP A54.50 with Allan A. Myers, L.P. for a decrease of \$83,294.43 for normal quantity adjustments and the assessment of liquidated damages of 56 days; for a final contract value of \$3,430,312.27 and final amount due to the contractor of \$69,335.94;
- h. Final Payment for Contract #S-006.00X002-3-18 for heating, ventilation and air conditioning work for the Southern Beltway maintenance facility at MP S15.30 EB with McKamish, Inc. for a final contract value of \$2,059,059.41 and final amount due to the contractor of \$51,476.49.

- 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, October 18, 2022 beginning at 11:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:20 a.m.-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

APPROVED BY:

Sean Logan
Secretary Treasurer

ATTACHMENT:

Memo received from the Chief Counsel