

MINUTES OF THE COMMISSION MEETING HELD OCTOBER 20, 2015

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:52 a.m. on October 20, 2015 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Sean Logan, Chairman; William K. Lieberman, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer and Leslie Richards, Secretary of Transportation.

Also present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Michael Baker Jr., Inc.; Robert F. Brady, Director of Operations/Projects-East; Charles L. Duncan III, Esquire, Director of Legislative Affairs; Scott D. Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Brad Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Director of Fare Collection & Field Operations; Doreen A. McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity and Inclusion, Stacia A. Ritter, Esquire, Director of Policy & External Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others in attendance were Jack Christensen, Director of FEMO; Carl E. Defebo, Jr., Director of Public Relations & Marketing; Richard S. DiPiero, Senior Fare Collection Operations Manager; Richard C. Dreher, Assistant CFO/Financial Management; Jason Falchek, Technician of PC/LAN Systems; Kelly Horvath, Executive Administrative Assistant; Robert Kleimenhagen, Jr., Strategic Planning Coordinator; Donald S. Klingensmith, Director of Procurement and Logistics; Donna Lapano, Executive Office Assistant; Anthony Q. Maun, Assistant CFO/Accounting & Budgeting; Wanda Metzger, Contracts Supervisor; Gina M. Murray, Engineering Contracts Supervisor; Sheri Norris, Director of Human Resources; Catherine L. Sabo, Accounting Manager; Timothy M. Scanlon, Director of Traffic Engineering & Operations; Cindy Smith, General Accountant 2; Lynn Stakem, Senior General Accountant; Paul McNamee, KCI; John Smith, Parsons Brinckerhoff; Glenn Deppert, Arora & Associates; Kristi Reichard, Raudenbush Engineering; Troy Holloway, Century Engineering; Mark Rowe, Teamsters Local 77; Mike Gross, Wallace Montgomery; Tom Bice, Lochner; Eric Madden, ACED/PA; Joe Zarriello, KS Engineers; John Prybella, WBCM; Jon Livingston, Jacobs; Herbert Long, Jr., Legion Design; Steve Barber, Michael Baker, Jr., Inc.; Rachel Tereska, NTM Engineering; Ronald Samuel, Keller Engineers; Mark Boris, Borton Lawson; Scott Shimko, Borton Lawson; Kate Farrow, Lotus Environmental Consulting; Robin Kohler, C.S. Davidson; Richard Hilboky, Gibson-Thomas Engineering; Vijay Varadarajan; AECOM; and William Laird, CHA.



Ms. Edmunds led the Commissioners, staff and visitors in the Pledge of Allegiance.



The Assistant Secretary Treasurer, Ann Louise Edmunds, called the roll and declared a quorum available.



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 requests to abolish; and to post and fill positions in the Compliance, Human Resources, Finance and Administration departments and the ERO.

The Commissioners also discussed Docket No. GD15-18088 and engaged in non-deliberative informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Ms. Edmunds: The public is welcome at this time 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 signed in a requested time to speak. If you have not done so, you are invited to do so at this time.

There were no requests to address the Commission; all visitors stood and introduced themselves.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held October 6, 2015 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



COMMUNICATIONS

Motion-That the Commission approves the memos received from the Chief Counsel and the Director of Procurement & Logistics—was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



PERSONNEL

Motion-That the Commission approves the Personnel as submitted—was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



NEW BUSINESS

POOL OF UNDERWRITERS

Motion-That the Commission adopts Policy 10.06, Pennsylvania Turnpike Innovation Council, to establish the Council as an official committee within the Commission in which ideas, innovative technologies and processes can be evaluated and implemented quickly and proficiently—was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



AGREEMENTS

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

- a. Amendment to our agreement for project collaboration and documentation system with Kahua, Inc., exercising the option to renew the agreement for two additional years; at a cost of \$492,502.00

—was made by Commissioner Deon, seconded by Commissioner Richards; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on this item because Kahua is a client of my firm.

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

- b. Assignment Agreement with Elverson EMS to assign the contract for emergency care and medical transport to Elverson-Honeybrook Area EMS due to its name change.

—was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Request for the items listed in memo “a-d and f-h”:

- a. Acquisition of Right-of-Way #6084-D (Upper Merion Township), a partial take parcel necessary for the installation of pre-entry ITS from MP 286.00 to MP 343.00 by authorizing payment of \$3,000.00 representing fair market value to Upper Merion 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;
- b. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #1020-B (David C. Stahl), a partial take parcel necessary for the total reconstruction from MP 99.00 to MP 109.00; authorize payment of Estimated Just Compensation of \$98,626.00 to Clark Hill, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- c. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17779 (L. Putnam & Betty Foley), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79; authorize payment of Estimated Just Compensation of \$900.00 to Buchanan Ingersoll & Rooney PC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- d. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17658 (Roy & Sandy Daniels, Natural Gas Well Owners: Penneco Drilling Associates 2008-1; Penneco Pipeline Corporation; Everest Exploration Company, LLC; and Billman Geologic Consultants, Inc.), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79; authorize payment of Estimated Just Compensation of \$128,692.00 to Buchanan Ingersoll & Rooney PC, escrow agent; and payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- f. Acquisition of Right-of-Way #2110-C (Christopher P. Burns), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50, by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Christopher P. Burns; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents as 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 #17912 (Garbe Family Revocable Living Trust, Edward R. Garbe, Trustee), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$366,684.82 representing fair market value and pro-rated taxes to Coon and Company, escrow agent; authorize the appropriate Commission officials to execute the

agreement of sale and other documents as 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 prepared by the Legal Department;

- h. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #7094-RA (Xenop BC Realty, LLC; DAKallis Enterprises, LLC; MKallis Enterprises, LLC; and ADKallis Enterprises LLC, all as tenants in common), a partial take parcel necessary for construction of the I-95 Interchange project; authorize payment of Estimated Just Compensation of \$23,600.00; 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 Deon, seconded by Commissioner Richards and passed unanimously.

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memo "e":

- e. Acquisition of Right-of-Way #17684-A (Imperial Land Corporation), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$4,537.50 representing fair market value and pro-rated taxes to Imperial Land Corporation; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents as 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 Deon, seconded by Commissioner Richards; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstained on this item because I have a business relationship with a partner of Imperial Land Corp.



ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" and "b":

- a. Network cabling contractor to install and maintain the IT cabling infrastructure and to install auxiliary communication systems as requested;
- b. Contract #T-355.00P002-3-03 for the replacement of Bridge DB-237 (S-34644) at MP 353.96.

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



AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “d”:

- a. Integrate SAP & GIS Geo.e Service, utilizing U.S. General Service Administration’s cooperative purchase program contract with Critigen LLC; at a total award of \$311,323.90;
- b. Change Order for printing and graphic design services (September 2014 – August 2016) with Print Works On Demand, Inc., for an additional \$85,000.00 to cover the second year of the contract; for a revised purchase order value of \$156,000.00;
- c. Twenty-six (26) vehicle-mounted message boards (for pickup trucks and First Responders), utilizing the Commonwealth’s contract with Trafcon Industries, Inc.; at a total award of \$158,756.00;
- d. Paint supply truck chassis and body (West), utilizing the Commonwealth’s contracts

Legacy Truck Centers, Inc.	\$ 97,961.04	Truck Chassis
J & J Truck Equipment	<u>\$ 58,965.00</u>	Truck Body
TOTAL AWARDS	<u>\$156,926.04</u>	

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



AWARD OF A CONTRACT

Motion-That the Commission approves the award of Contract #T-317.37S001-3-02 for the replacement of Bridge EB-730 at MP 317.37, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$7,111,031.80 and a contingency of \$300,000.00-was made by Commissioner Deon, seconded by Commissioner Richards, and passed unanimously.



CHANGE ORDER and FINAL PAYMENTS

Motion-that the Commission approves the Change Orders and Final Payment and increase a contract value for the items listed in memos “a-c and e”:

- a. Change Order #1 and Final Payment for Contract #EN-00148-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Gregori Construction Inc. for a decrease of \$1,423,681.31 to reflect the actual cost of the completed work authorizations; for a final contract value of \$576,318.69 and final amount due to the contractor of \$28,815.93;

- b. Change Order #11 for Contract #A-020.00T002-3-05 for roadway and bridge reconstruction from MP A20.31 to MP A25.67 with Walsh Construction, for an increase of \$984,539.71 to balance items to actual work completed, additional costs for anchor wall changes, Bidwell runoff area, waterproofing, spall repair, diaphragm repair, dynamic pile load testing, elimination of post and panel section, slope repair, undercutting, excavation, structure backfill, pavement restoration, concrete pavement repairs, drainage, ITS changes, MPT, R-3 rock, removal of bituminous curb, glare screen, pedestrian gate, additional grading and restoration, tree removal, erosion control and fabrication and installation of sign bracket; for a revised not-to-exceed amount of \$163,292,869.59;
- c. Contract #EN-00124-03-05 for sinkhole repairs between MP 312.03 and MP 358.11 and MP A20.00 and MP A70.07 with New Enterprise Stone & Lime Company, for an increase of \$500,000.00 to perform emergency sinkhole repairs in the vicinity of the Valley Forge Service Plaza; for a revised not-to-exceed amount of \$1,500,000.00;
- e. Change Order #1 for Contract #T-330.00M001-3-02 for installation of communications infrastructure from MP 330.20 to MP 333.20 with Kuharchik Construction Inc. for a 66-day time extension for the modifications of the conduit installation due to the steep embankment excavation of the trench.

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

Motion-that the Commission approves the Change Order for the item listed in memo "d":

- d. Change Order #5 for Contract #T-242.00T002-3-03 for roadway and bridge reconstruction from MP 241.98 to MP 245.33 with Trumbull Corporation, for an increase of \$14,128.59 for emergency deck repairs; for a revised not-to-exceed amount of \$83,757,198.95;

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

VICE CHAIRMAN LIEBERMAN: I abstain on this item because Trumbull Corp. is a client of my firm.



SUPPLEMENTAL AGREEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #2 for construction inspection/project management service for the Cashless Toll Interchange at MP A87.07 with Trumbull Construction Management Services (TCMS) for an increase of \$147,390.72 for final closeout of the highway occupancy and environmental permits, additional traffic sign work and installation of additional entry ramp gantries, placement of deer fence, planting of plants and shrubs, and warranty inspection of plantings at the wetland site; for a revised not-to-exceed amount of

\$3,279,414.06-was made by Commissioner Deon, seconded by Commissioner Richards; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on this item because Trumbull Corp. is a client of my firm.



PAYMENT

Motion-That the Commission approves payment to the PA Department of Labor and Industry for the 2015 Notice of Assessments from the Bureau of Workers' Compensation in the amount of \$10,842.00 for the Supersedeas and Subsequent Injury Fund-was made by Commissioner Deon, seconded by Commissioner Richards, and passed unanimously.



IT STAFF AUGMENTATION

Motion-That the Commission authorizes IT staff augmentation to acquire short term staffing resources to supplement staff vacancies and to fill difficult to find IT skillsets; at an approximate cost of \$2,700,000.00 through May 31, 2017 utilizing Commonwealth contracts-was made by Commissioner Deon, seconded by Commissioner Richards, and passed unanimously.



PSPC AWARDS

Motion-That the Commission approves the award of services and authorizes the negotiation and execution of an agreement with the selected firm(s) for the items listed in memos "a" through "g":

- a. RFP#7029, Employee Assistance Program services:
 - ComPsych Corporation-AWARDED-was made by Commission Richards, seconded by Commissioner Deon, and passed unanimously.
- b. T00023, Traffic and Revenue services for the Mon/Fayette Expressway and Southern Beltway:
 - CDM Smith, Inc.-AWARDED-was made by Commissioner Richards, seconded by Commissioner Deon, and passed unanimously.

c. T00025, Environmental services for the Mon/Fayette Expressway, PA Rt. 51 to Monroeville:

- McCormick Taylor, Inc.-AWARDED
- Skelly and Loy, Inc.

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

SECRETARY RICHARDS: I abstain on this item because McCormick Taylor was a former political donor.

VICE CHAIRMAN LIEBERMAN (abstained in error).

MS. EDMUNDS: Both Vice Chairman Lieberman and Secretary Richards have described the reasons for their abstentions in a written memorandum, which they have given to me as the Assistant Secretary-Treasurer of the Commission. With these two abstentions, we cannot attain a majority vote on this motion and thus are unable to take action on this matter. In these circumstances, Section 1103(j) of the State Ethics Act permits those abstaining to vote so that action can be taken. The motion passed.

d. RFP #5195, Marketing services:

- Red House Communications, Inc.-AWARDED
- Pavone Marketing Group

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

e. T00007, Design services for the replacement of Bridge EB-177 at MP 238.09:

- Alfred Benesch and Company-AWARDED
- Arora and Associates, P.C.
- Century Engineering, Inc.

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

VICE CHAIRMAN LIEBERMAN: I abstain on this item because Monaloh Basin (a sub) is a client of my firm.

SECRETARY RICHARDS: I abstain on this item because McCormick Taylor (a sub) was a former political done and A.D. Marble (a sub) was a previous employer.

MS. EDMUNDS: Both Vice Chairman Lieberman and Secretary Richards have described the reasons for their abstentions in a written memorandum, which they have given to me as the Assistant Secretary-Treasurer of the Commission. With these two abstentions, we cannot attain a majority vote on this motion and thus are unable to take action on this matter. In these circumstances, Section 1103(j) of the State Ethics Act permits those abstaining to vote so that action can be taken. The motion passed.

f. T00020, Open-end aerial mapping services systemwide:

- T3 Global Strategies, Inc.-AWARDED
- BAE Systems Information Solutions, Inc.

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

g. T00024, Material inspection and testing services from MP 200.00 to MP 358.00 and the Northeast Extension:

- ACA Engineering-AWARDED
- A&A Consultants
- Quality Engineering Solutions

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



NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, November 3, 2015 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 12:06 p.m.-was made by Commissioner Deon, seconded by Commissioner Lieberman.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.
Secretary Treasurer