ADVISORY COMMITTEE REPORT

Presented to the PA Turnpike Commissioners
October 21, 2014
Dear Commissioners:

We are pleased to provide for your consideration the following report and recommendations to improve the contracting procedures and business practices of the Pennsylvania Turnpike Commission (PTC).

In the wake of the March 2013 action by the Office of Attorney General (OAG), you approved the creation of a three-member Advisory Committee. In July 2013, CEO Mark Compton asked us to serve on the new Advisory Committee.

Mr. Compton made it clear that we were to serve as an independent committee with the freedom to ask any question of any employee or business partner and to make any recommendation we deemed appropriate to improve operations of this public agency. We are very pleased to report that we received full cooperation from the PTC throughout our work.

This report completes more than 12 months of review of virtually every facet of the PTC’s operations. The recommendations are based on in-depth interviews conducted with executive staff and department heads; a thorough review of the agency’s policies; and a review of best practices from other U.S. toll-road agencies.

It is important to note that several of the policies, procedures and improvements that we have recommended had been initiated or implemented prior to and during the OAG investigation. It was clear from your actions that you and the current management team recognized the need for fundamental reform to the way the agency conducted business before 2010 and that you were committed to making those reforms.

As a result, our work represents just one element, specifically procurement operations and procedures, of the PTC’s broader response to the OAG action and overall efforts to reform its operations. Since our review coincides with the PTC’s strategic-planning efforts, many of our recommendations have been included in the business-planning process as well as in the development of its strategic plan.

We trust that this report will assist you and your staff to institutionalize a culture of ethics, efficiency and transparency at the PTC. We urge you to incorporate our recommendations, as appropriate, into the agency’s Policy Manual in order to ensure lasting change. The PTC, much like all public entities, must continue to explore and implement additional changes and reforms in its business practices to maintain the public’s trust and remain a trusted public partner.

We look forward to working together to make certain that a culture of integrity, trust and transparency persists at the PTC.

Maureen Lally-Green, Retired Judge of Pennsylvania Superior Court

M.G. Patel, P.E.

John L. Gedid, Esq.
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In response to Grand Jury Presentment of March 2013, the Pennsylvania Turnpike Commissioners directed Chief Executive Mark Compton to establish an Advisory Committee to seek opportunities to minimize or eliminate undesirable practices cited in the presentment.

In July 2013, the PTC established this Advisory Committee to review and evaluate current PTC policies and procedures relating to contracting and other business practices, to identify where continuous improvement can be made and to search best-practices at comparable agencies.

Immediately thereafter, the Advisory Committee immersed themselves in learning and understanding the PTC’s procurement and contracting policies and procedures, national best practices and the PTC’s ongoing and planned reforms through numerous meetings, interviews, presentations by PTC staff, one-on-one meetings with commissioners and executive staff and review of numerous documents.

Based upon studies, observations and professional experience of its members, the Advisory Committee makes the following recommendations:

1. Strengthen the ethics training requirements at the PTC for employees, consultants, construction contractors, vendors and other business partners.

2. Enhance the process for evaluating the procurement of professional services and construction contracts to provide greater transparency and accountability.

3. Establish a procedure for periodic reviews of policies and procedures for continuous improvement purposes.

4. Improve transparency of business practices through more robust public outreach.

5. Institutionalize improvements by adopting all recommendations as part of the PTC Policy Manual.

6. Establish a policy for continual implementation of these recommendations, including a process for participation of an independent advisory person or group.

7. Prepare succession planning for key PTC positions, particularly for the chief operating officer, chief engineer and all department heads.

8. Develop a structured transition process for new commissioners and CEO.

9. Establish vision, mission, goal, objective and values for PTC to institutionalize recently implemented ethics, integrity, transparency and quality of services.

10. Continue to promote and make best use of initiatives to minimize overlap of common operational activities such as training and co-locating maintenance sites with PennDOT.
INTRODUCTION

The Advisory Committee to the Pennsylvania Turnpike Commission (PTC) was created to review current procurement and business practices and to research best practices at comparable agencies. The Advisory Committee focused primarily on major changes to the agency’s contracting and professional-services procurement procedures. The Advisory Committee’s role and responsibilities included:

- review existing contracting policies and procedures;
- review existing audit procedures;
- provide recommendations for improvements to contract and audit procedures;
- review the Business Partner Integrity Agreement; and
- review the employee Code of Conduct and its administration.

Before the Advisory Committee was constituted, CEO Mark Compton directed the PTC’s Compliance Department to take the following steps on March 13, 2013:

- Launch a thorough review of every professional-services contract cited in the Attorney General’s Presentment and those contracts awarded during the timeframe of the OAG’s investigation that remain active.

- Draft a memorandum to each of the PTC’s professional-service providers that includes the employee Code of Conduct; the professional services procurement policy enacted in April 2012; and the Compliance Department’s toll-free tip line with instructions to contact that department if questions or issues with employee or official conduct arise.

- Ensure that every member of the workforce read and signed the Code of Conduct and agreed to abide by its provisions. (This was done to ensure every employee understood that they are encouraged to come forward if they witness inappropriate conduct and will be protected from retaliation or adverse action for doing so.)

On July 1, 2013, Mr. Compton announced the names of the three members of the Advisory Committee. The Committee’s work coincided with the PTC’s effort to update its strategic plan. Many of the recommendations of the Advisory Committee are being incorporated into the business planning process.
ADVISORY COMMITTEE PROCESS

The Advisory Committee’s first meeting was held on July 11, 2013. The Advisory Committee met with the PTC executive staff monthly, either in person at the PTC offices or via conference call. The Advisory Committee also met independent of staff numerous times via teleconference to discuss findings, preparation of this report and other pertinent items. The Advisory Committee attended a Professional Services Procurement Committee (PSPC) meeting, the second step of the three-step consultant-selection process, to witness how the PSPC functions.

The Committee reviewed numerous pertinent documents which include:

- Advisory Committee briefing by COO
- Advisory Committee Dashboard
- AG Criminal Complaints
- All-Electronic Tolling (AET) project overview
- Auditor General Letter and Report
- Audit Status Report
- Business Conduct Guidelines
- Business Supplier Diversity and Contract Compliance policy
- CEO email to employees re: ex inspector general article
- Chief Compliance Officer job description
- Code of Conduct Policy Letter 3.10
- Compliance memo to PTC professional services contractors
- Contracting Policies and Procedures Manual
- Draft Consultant Evaluation Form/Construction Management and Inspection Services
- Draft Consultant Evaluation Form/Design
- Events Timeline
- Feb. 14, 2014 After-Incident Review (AIR)
- General Consulting Engineer overview (Baker Corp.)
- Goal-Setting Process, Minority Participation Levels
- Grand Jury Presentment
- Indemnification and Hold Harmless Policy
- In-depth background on specific contracts addressed by OAG
- Inspector General job description
- Internal Audit Results
- Manage Contracts Process Team update
- Memo to lawmakers re: PTC Advisory Committee
- Minority and Women Businesses Enterprises
- National Best Practices report
- Office of Special Investigations (OSI) Data Collection Request Form
- Operational Policy Review Committee: Process Activity Summary
- OSI Investigation Process Flow Chart
- OSI Investigative Work Plan
- OSI Report of Investigation
- Overview of PTC hiring process
- Overview on PTC SWAPS
- Overviews of Act 44 of 2007 and Act 89 of 2013
- Policies, Processes and Procedures at a Glance
- Procurement of Professional Services Memos
- PTC Executive Briefing document
- PTC Fraud and Abuse Tip-Box and Hotline
- PTC Training Council
- PTC/PennDOT Collaboration: ‘Mapping the Future’
- Relevant news articles
- State Adverse Interest Act
- State Ethics Commission Public Official and Employee Ethics Act
- Strategic Plan 2014-2019
- Supreme Court Opinion and Concurring Opinion on attorney-client privilege
- Tips for Preparing Statement of Financial Interest for 2013
- Turnpike Traveler Advisory Panel report
The Advisory Committee also conducted interviews with commissioners, department heads, executive staff and other key staff members throughout the organization as well as with business partners and industry leaders. The Advisory Committee was provided in-depth presentations from virtually every PTC department to ensure that the Advisory Committee understood the vast scope of the agency’s operations. Each Advisory Committee member was able to bring a unique perspective to this challenge based on his or her professional experience. As a result, the Advisory Committee submits its findings and recommendations which are based on a keen understanding of the PTC’s operations relevant to procurement. The Advisory Committee also reviewed national best practices in use by other U.S. tolling agencies.

The Advisory Committee made recommendations for to the PTC’s policies and procedures in four relevant areas:

1. Ethics
2. Procurement
3. Transparency/Accountability
4. Governance
STATUS OF REFORM EFFORTS

Early on during their work, the Advisory Committee became aware that the PTC already implemented significant reforms. The Advisory Committee learned that during the course of the 31st Statewide Investigating Grand Jury Investigation, the PTC made significant changes to its contracting and procurement practices. In July 2011, the PTC adopted, as a new policy, a more rigorous and transparent three-step process for awarding professional services contracts.¹ This new procedure was intended to ensure that only the most-qualified firms are considered and awarded contracts. One important result of this change was a substantial reduction in the power of the CEO and COO in connection with awarding professional services contracts.²

The Advisory Committee also observed that the PTC had already accomplished, or was in the process of developing, the following improvements:

• The Policy Manual was updated to include the modified Code of Conduct (Appendix G) for PTC employees.
• All business partners currently working with the PTC were provided with a copy of the Code of Conduct.
• The PTC is providing employee briefings on the Business Conduct Guidelines, (Appendix J) which have been posted to the PTC web site at www.paturnpike.com.
• The PTC began to utilize outside professionals to provide expertise or experience, when needed, for unique or infrequent engineering and non-engineering RFPs. The PTC is to develop contracting policies and procedures to clearly identify what constitutes a unique or infrequent project.
• The PTC requires that all employees involved in reviewing bid documents for any business opportunity affirm in writing that they have no potential conflict of interest specific to that project or opportunity for the full duration of the contract.
• The PTC’s strategic-planning process has been expanded to include the Advisory Committee’s recommendations and goals.

The PTC is commended for the substantial reforms it has adopted and continues to consider and adopt.

The Advisory Committee suggests, however, a number of additional recommendations for improvement to the PTC’s policies and procedures in these four areas: ethics; procurement; transparency/ accountability; and governance.

¹ These steps involve objective evaluation by a committee of staff experts called the Technical Evaluation Team (TET) before the Professional Services Procurement Committee (PSPC) submits a list of highly recommended firms to commissioners. The commissioners then select a firm(s) at an open public meeting. In addition, this new policy more clearly defines the roles of both the chief executive officer and the chief operating officer; ensuring that Technical Evaluation Team members could not be improperly influenced by their status or by an attempt to manipulate the award process. The new policy was designed to strike an appropriate balance between oversight by the agency’s top two executives and independent review by agency staff.

² Id.
1. **ETHICS TRAINING**

**FINDING**

The PTC legal staff, with the assistance of the Pennsylvania Ethics Commission, created an ethics training program for PTC employees prior to the Advisory Committee’s review. The Advisory Committee found that the PTC needed to improve access to training resources for employees and that the Code of Conduct failed to address issues raised by OAG involving PTC vendors.

**RECOMMENDATIONS**

Strengthen the ethics training requirements for PTC employees, consultants, construction contractors, vendors and other business partners.

1.1 Require both PTC employees and vendors to receive training on the agency’s Code of Conduct and refresher training on annual basis.

1.2 Require employees to acknowledge that they reviewed the code and received the training. In addition, PTC employees involved in procurement review of proposal submitters or bidders will be required to affirm, in writing, that they have no conflicts of interest, potential conflicts of interest, or direct financial interests in the firms competing for PTC business. Require the Compliance Department to review such disclosure forms.

1.3 In situations where employee discloses a conflict, potential conflict or financial interest, the chief compliance officer will decide whether the conflict should disqualify the involved employee in connection with the pending bid or proposal.

1.4 All actual and potential business partners affirm in writing that no conflict of interest exists or disclose any conflict of interest. Such disclosure should be reviewed by the Compliance Department.

1.5 Create an online version of the employee training program that would inform PTC vendors of the requirements of the Code of Conduct.

1.6 Require a duly authorized representative of the company or partnership who is involved in the bidding process to affirm that he or she has reviewed the training program and the company agrees to comply with the code.

1.7 Continue to encourage employees to use the PTC tip line and other channels to report suspected unethical behavior.

1.8 Require that reports of suspected behavior on the tip line should be to an independent person or authority to protect the identity of the reporting person.
2. EVALUATION OF PROCUREMENT & CONSTRUCTION CONTRACTING PROCESSES

FINDING
The Advisory Committee found that the PTC’s efforts to adopt new guidelines for awarding professional services contracts, implemented prior to the OAG action, have strengthened technical review by staff; expanded public review and discussion of all contract awards.

RECOMMENDATIONS
Enhance the review process for evaluating procurement of professional services as well as construction contracts to provide for greater transparency and accountability.

2.1 Add an independent, outside professional to the review team for projects undertaken by the PTC that could be defined as unique, infrequent or significant in size and/or scope. The PTC is to develop contracting policies and procedures to clearly identify what constitutes a unique, infrequent or significant project.

2.2 Define process which would include involvement of independent professionals for change orders beyond certain threshold amount.

2.3 Grant the independent team member the same authority as the other team members. In addition, independent professional should have the authority to write a separate report, recommendation or concern for consideration by the PTC.

2.4 Incorporate newly implemented professional services procurement process (Appendix H) as part of PTC Policy Manual

2.5 When the PTC lets a contract or works in an area in which it doesn’t have expertise, the PTC should hire an outside consultant with appropriate subject-matter expertise and experience to assist in all phases of the planning and performance of the work.
3. CONTINUOUS EVALUATION OF POLICIES & PROCEDURES

FINDING
The Advisory Committee identified a series of best practices that other tolling agencies currently follow. The Advisory Committee found that these practices guide those agencies’ efforts toward continuous improvement. In addition, the Advisory Committee witnessed the immediate and the long-term benefit of the PTC’s Strategic Planning process.

RECOMMENDATIONS
Establish a procedure for periodic reviews of policies and procedures in order to continue adding reforms and improvements as needed.

3.1 Continue to review and adopt, where appropriate, best practices from other toll-road agencies and departments of transportation by monitoring their efforts to constantly improve.

3.2 Employ the latest technology available to improve operations relevant to procurement practices.

3.3 Ensure the PTC’s Strategic Plan aligns with its mission and vision.

3.4 Establish measurable performance objectives that are designed for in-house professionals, contractors, consultants and other service providers.
4. TRANSPARENCY OF BUSINESS PRACTICES

FINDING
The Advisory Committee supports the PTC’s efforts to improve transparency through public outreach and communications. The communications staff has created several channels for communicating with the public, business partners and key officials.

RECOMMENDATIONS
Improve transparency of business practices through public outreach.

4.1 Follow a strategic communications plan that enhances transparency through a variety of communications tools, including issuing frequent press releases, posting FAQs on the PTC website and holding public meetings.

4.2 Pursue a proactive strategy for communications with PTC customers, its stakeholders and the media.

4.3 Establish a protocol for routine communications with the governor’s office, state lawmakers and policymakers.
5. INSTITUTIONALIZE IMPROVEMENTS

FINDING
The PTC in the past several years has instituted numerous reforms relating to procurement practices. The Advisory Committee found that it is critical that the reforms are institutionalized so that they are not subject to change without discussion and transparency.

RECOMMENDATIONS
Institutionalize the improvements at the PTC by adopting all recommendations as part of the PTC Policy Manual.

5.1 The PTC requires (and continues to require) that changes related to ethics and procurement be formally adopted as PTC policy.

5.2 The PTC institutionalize (and continue to institutionalize) the PTC policies and procedures related to ethics and procurement by formally incorporating them into educational materials and presentations, handbooks and in practice so that they become a part of performance metrics.

5.3 Both the PTC and administration assure that the changes (as well as future substantive changes in policies and procedures related to ethics and procurement) are published for public review on the PTC website.
6. POLICY FOR CONTINUED IMPLEMENTATION OF RECOMMENDATIONS THROUGH INDEPENDENT ADVISORS

FINDING
The Advisory Committee found that the Commission did not have an effective tool in place to ensure a process for periodic reviews of the PTC’s procurement policies to ensure greater accountability and constant monitoring.

RECOMMENDATIONS
Establish a policy for continual implementation of these recommendations, including a process for participation of independent advisory persons or groups.

6.1 Authorize the Advisory Committee to continue meeting quarterly for one year following the issuance of its initial report. The Advisory Committee would receive a status report from the CEO and staff on reforms at each quarterly meeting.

6.2 Reconvene the Advisory Committee every three years following the first year of review. The CEO would have the discretion of appointing new members to the three-member Advisory Committee.

6.3 Establish a policy of periodic review by outside professionals of the PTC policies and procedures related to ethics, procurement and transparency. These professionals will not have any personal interest or that of an organization they normally represent.

6.4 Establish a policy for PTC staff to review and update procedures related to ethics, procurement and transparency on a routine basis.
7. SUCCESSION PLANNING

FINDING
The Advisory Committee reviewed the policies related to appointment of key PTC personnel and determined that there was a lack of clear succession planning.

RECOMMENDATIONS
The Advisory Committee recommends that the PTC prepare succession planning for key positions, particularly the chief operating officer and all department heads.
8. TRANSITION PROCESS FOR NEW COMMISSIONERS AND CEO

FINDING
The Advisory Committee determined that there should be a clear process for educating new commissioners and a new CEO.

RECOMMENDATIONS
Develop a structured transition and orientation process for new commissioners and CEO that includes:

- 8.1 roles and responsibilities;
- 8.2 operational processes;
- 8.3 PTC general business operations;
- 8.4 history of major legislative as well as PTC prior actions and impacts;
- 8.5 interactions between PennDOT and the Federal Highway Administration;
- 8.6 lessons learned from major undertakings and major events (including the Attorney General Presentment so that new commissioners and staff understand the damaging consequences of inappropriate and potential illegal conduct can have on the public trust); and
- 8.7 ethics and integrity requirements and implementation for all staff and commissioners.
9. INSTITUTIONALIZE REFORMS AT THE PTC

RECOMMENDATION
Foster a culture that institutionalizes the recently implemented reforms related to ethics, integrity, transparency and other reforms that are reflected in the PTC’s Strategic Plan vision, mission, and goals (Appendix F).
10. COOPERATION WITH PENNDOT

RECOMMENDATIONS
Continue to take advantage of and promote the current initiatives including “Mapping the Future” (Appendix K) to minimize overlap of common operational activities such as training and co-locating maintenance sites with PennDOT.
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PURPOSE
To review and critique current Turnpike policies and procedures relating to contracting and other business practices to see where continued improvements can be made and to research best-practices at comparable agencies to learn from experiences and protocols.

RESPONSIBILITIES
The Advisory Committee shall:

• Review existing contracting policies and procedures and provide guidance on ways to further enhance the quality, efficiency and accountability of Commission contracting methods.

• Review the Commission’s process and key findings for the current and ongoing contract audits.

• Advise the Executive Staff as to potential improvements with the above-described policies, procedures and audits.

• Review and endorse if appropriate the Commission’s Integrity Agreement for all business partners.

• Review and monitor the steps taken by the Commission to ensure the employees of the Commission understand and adhere to the Code of Conduct.
### Advisory Committee Dashboard

#### PTC Actions

- **Advisory Committee dashboard February 4, 2014**

#### Status

- Improper influence by Commissioners and Executives in the awarding of contracts.
- Failure to report gifts, hospitality, and other relevant financial interests on requisite financial disclosure forms from 2003 - 2010.
- Conflicts of interest in regards to procurement of contracts.
- Political fundraising by Commission officials.
- Use of Commission resources for personal use.

#### PTC Actions

- Hired former FBI agent as Chief Compliance Officer (CCO) to ensure employee actions are above reproach.
- Forensic audits conducted with finding no evidence of fraud; however, some billing discrepancies were found which are being followed up by PTC internal auditors.
- A memo containing the PTC code of conduct and information regarding the toll-free tip line were sent to the PTC’s professional services providers from the CCO.
- Forensic audits of vendor contracts conducted by outside firms.
- Creation of a vendor code of conduct.
- Adopted a policy, a more rigorous, transparent process for awarding professional services contracts.
- Redefined limited role of CEO & COO in contract evaluation process.
- Created the Office of Diversity and Inclusion to promote equal opportunity, nondiscrimination and compliance in all procurement activities.
- Created the Office of Diversity and Inclusion to promote equal opportunity, nondiscrimination and compliance in all procurement activities.
- Creation of the Advisory Committee.
- A new Inspector General was named in January 2014.
- All gates have been rekeyed. An additional project is underway to change all gates to card swipe access.
- Significant increase in number of allegations reported.

#### Overall Process Improvements / Better Business Practices

- Forensic audits concluded with finding no evidence of fraud, however, some billing discrepancies were found which are being followed up by PTC internal auditors.
- A memo containing the PTC code of conduct and information regarding the toll-free tip line were sent to the PTC’s professional services providers from the CCO.
- The updated “Related Parties” testing will be implemented as part of the annual financial statements audit.
- Commissioners and Executives have completed training.
- Other employees are currently being scheduled.
- A new enhanced code of conduct was approved at the January 7, 2014 Commission meeting.
- A new Inspector General was named in January 2014.
- All gates have been rekeyed. An additional project is underway to change all gates to card swipe access.
- Significant increase in number of allegations reported.
- Strategic Plan Executive Summary was completed in January 2014. Business plans completed May 2014.
- Review policies to identify need to update, revise or create.

#### Advisory Committee Dashboard

Advisory Committee dashboard February 4, 2014

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APPENDIX B

ADVISORY COMMITTEE DASHBOARD
TIMELINE OF THE PTC’S ACTIONS

1 = Thirty-First Statewide Grand Jury expired.
2 = Three-Tiered Procurement Process Amended on December 29, 2011 and again on April 2, 2012
3 = Grand Jury Presentment No. 42 recommended criminal charges against Mitchell Rubic, former Commission Member and Chairman; Joseph Brimmeier, former Commission Chief Executive Officer; George Hatalowich, former Commission Chief Operating Officer; Dennis Miller, former Vice President of Ciber, Inc.; Robert Mellow, former Pennsylvania State Senator and Jeffrey Suzenski, part-owner of Twin County and Consultant for Transcore.

Grand Jury Presentment No. 42 recommended criminal charges against Mitchell Rubic, former Commission Member and Chairman; Joseph Brimmeier, former Commission Chief Executive Officer; George Hatalowich, former Commission Chief Operating Officer; Dennis Miller, former Vice President of Ciber, Inc.; Robert Mellow, former Pennsylvania State Senator and Jeffrey Suzenski, part-owner of Twin County and Consultant for Transcore.

Grand Jury Presentment No. 41 recommended criminal charges against Melvin Shelton, former Assistant Director of Projects, West. On June 27, 2014, Mr. Shelton pleaded guilty to one count of theft by unlawful taking and one count of unauthorized use of an automobile. He was sentenced to eighteen months of probation and ordered to pay restitution.

Grand Jury Presentment No. 40 recommended criminal charges against Raymond Zajicek, former Fare Collection Operations Manager. On January 12, 2014, Mr. Zajicek pleaded guilty to one count of theft, one count of unauthorized use of a vehicle and one count of harassment. He was sentenced to two years of probation and ordered to pay restitution.
Memorandum

TO: Mark Compton  
FROM: Larry Bankert  
DATE: April 18, 2013  
SUBJECT: Professional Services Procurement Process Best Practices

Baker conducted several interviews and received documentation from other toll agencies regarding their professional services selection process. This memo summarizes our findings.

Agency Participants:

New Jersey Turnpike Authority (NJTA)  
Mr. Robert Fischer, P.E.  
Assistant Chief Engineer, Design  
Interviewed April 9, 2013

New York State Thruway Authority (NYSTA)  
Mr. Robert Puzier, P.E.  
Director, Office of Contracts Management  
Interviewed via email April 17, 2013

Illinois State Toll Highway Authority  
Mr. Greg Stukel, P.E.  
Deputy Chief of Program Controls/System Integrity  
Interviewed April 5, 2013

Key Findings:

The following practices of the agencies are similar to PTC practices, suggesting a potential strength in the PTC procurement process:

- For the most part, the required proposals are brief.

- Multi-tier processes are used and selection committees are made up of a mixture of technical and management personnel.

- All selections are qualifications-based. Cost is not a factor in selection and is negotiated.

- Selection Committee members are proposed and approved by upper management, usually the Chief Engineer/Director and CEO/Executive Director.

- All steps of the process are well-documented.
The following common agency practices are a departure from current PTC practices and may be considered a best practice for PTC:

- Pre-qualification requirements.
- Numeric scoring of the SOI’s/proposals as part of the selection process.
- Oversight and/or involvement from independent or outside individuals or entities during the selection process.
- No selection involvement at the Commissioner/Board level and minimal involvement at the CEO/Executive Director level.

The following practices are unique to one of the agencies and may be of interest to the PTC:

- The Illinois Tollway advertises numerous (30 or 40) procurements simultaneously through a Professional Services Bulletin (PSB) two to five times per year. Through professional societies, they communicate the projects they intend to advertise on an annual basis.

- The Illinois Tollway’s independent, outside involvement exceeds the other agencies. Their Selection Committee always consists of two independent people, usually: (1) an Illinois DOT employee and (2) a retired engineer from Illinois ACEC or Illinois Society of Professional Engineers. In addition, they have a representative from the State Ethics Commission who sits at the Tollway, oversees and approves each step of the process, and is responsible for posting selections on the Tollway website for each procurement.

- The NJTA requires short-listed firms to submit a separately-sealed price proposal. While the selection is strictly qualifications-based, they review the prices from the short-listed firms to help with their negotiations with the top-ranked firm.

- The NYSTA’s overall process has been praised by ACEC for being fair and reasonable.

Separately, I am preparing a more detailed chart that compares the three agencies’ professional services procurement processes with the PTC’s. In addition, it will provide a comparison of staff roles in the process at various levels of each organization.

LIB/jca
Summary of Best Practice Findings

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</table>
1. Track and report the performance of Capital Plan regularly to executive staff (on a monthly basis).

2. Use metrics that are easy to track and valuable in determining the performance of Capital Plan, providing accountability to external agency involvement (consultants, contractors, reviewing agencies).

3. Include public comment period in annual Capital Plan development process to increase transparency.

4. Enable different departments that are involved in production, revision and management of Capital Plan to use integrated and/or common platforms to streamline the process and increase accuracy of projections.

5. Set up meeting with MassDOT to discuss in greater detail their ABP.

6. Develop over planning/under funding process to assist in achieving Capital Plan goals.

7. Develop cost estimating process maps for different types or phases of projects to increase consistency and accountability.

8. Utilize historical data for cost estimating and include factors to account for current economic conditions.

9. Consider a cost estimating shared/linked system with other industry owners (DOT).

10. Describe and document the impact of cost drivers with a well-established process.

11. Conduct quantitative risk analyses and involve all included parties as need (other departments, other agencies, independent risk analysts) for different project cost limits.


13. Adjust unit prices for market and geographical locations.

14. Allocate contingency budget (5-10%) for environmental agencies upfront.

15. Have agreements with utility companies to facilitate utility relocations and the associated cost to help keep contract schedules intact.
Best Practice Findings

DELIVERING THE CAPITAL PLAN

16. Adopt a pre-qualification requirements practice for professional services procurement.

17. Include numeric scoring of the SOI’s/proposals as part of the selection process for professional services procurement.

18. Utilize oversight and/or involvement from independent or outside individuals or entities during the selection process for professional services procurement.

19. Perform final selection process of professional services through a selection committee made up of technical staff, project manager, and director/chief engineer.
1. Provide a Final Change Order (FCO) item in construction contracts to account for CO.
2. Develop an ISO certified Quality Management System that includes planning, procurement, design and construction phases of a project.
3. Review design plans internally through different functional units and the final plan review unit prior to PSE submission.
4. Consider independent quality design reviews on mega projects by DOT and vice versa.
5. Consider consultant peer reviews for design submissions.
6. Extensively review FTE’s construction QA/QC program.
7. Plan for and utilize consultants as design managers to supplement staff as workload fluctuates.
8. Create a formal process to capture and record the LL from construction projects, to be used for quality improvement on future projects. Communication of the information is critical to making it useful for the organization.
9. Require PTC maintenance to follow same rules as contractors for lane closures, including requiring select maintenance operations to occur on nights and weekends, as appropriate.
10. Provide training to various staff, as appropriate. The curriculum may include information from past lessons learned, QA findings from previous season, changes to specifications/standards, and maintenance activities such as end treatment installations.
1. Utilize both portable and permanent generators at key ITS infrastructure locations, such as hub locations containing network switches and certain key DMS locations.

2. Separate ITS communications network from other communications.

3. Co-locate with other agencies such as the State Police, DOT, etc. for improved coordination.

4. Integrate real-time traffic information into the statewide 511 system directly from ATMS software.

5. Implement an ITS technical committee made up staff representing all divisions, and all project plans go through them for approval.

6. Work with DOT to convene a statewide working group (including counties and municipalities) on the planning and operations of ITS functions.

7. Establish a separate ITS maintenance program budget. Consider using maintenance based pay items for different types of ITS work (maintenance special provisions) based primarily on the statewide ITS construction specifications.

8. Institute an operations management system to assist with asset management including inventory, work order tracking and expenditures to maintain ITS system.

9. Implement an approved product list for ITS equipment on a statewide basis. Use items from this list when specifying and procuring equipment.

10. Implement ITS in long-term construction work zones.

11. Integrate ITS into incident response in urban areas.

12. Establish future fiber optic leasing opportunities by developing agreements and designing system appropriately.
Best Practice Findings

ALL-ELECTRONIC TOLLING (AET)

1. Deploy an axle-based vehicle classification system.
2. Consider deploying additional/supportive classification technology, such as vehicle height, as part of the vehicle classification system.
3. Consider future maintenance of system and associated MOT when determining/designing AET systems.
4. Implement AET through design/build contracts.
5. Implement AET in a phased approach as opposed to overall conversion.
6. Include the following elements in the AET implementation plan: advance public information campaign, signage provisions, pavement marking changes, permanent traffic control device revisions, and toll plaza infrastructure modifications.

7. Include provisions for the following issues within the plan for AET conversion: capturing the license plate image with the corresponding name and address of the driver, and collection of fees.
8. Develop and document the environmental impacts of the AET conversion, such as fuel usage, toll utility usage, and CO2 emissions. Prepare “Going Green” documents to cite the annual savings up to the owner and the motorists.
9. Implement a comprehensive employee support program to help employees displaced by the AET conversion. Possibilities include to either be placed in other positions within the agency or to assist them with job search elsewhere.
10. Develop and document measures of effectiveness and benefits of the AET conversion. Measures of effectiveness may include: reduction in travel time, reduction in cost, improvement in safety, and increase in revenue.
11. Work with other toll agencies regarding the interoperability mandate of MAP-21.
12. Set up a LL meeting with FTE regarding their AET conversion project.
13. Consider implementing a multi-system tag-reader to accommodate out-of-state systems.
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<th>Best Practice Findings</th>
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<tbody>
<tr>
<td>1.</td>
<td>Conduct an employee satisfaction survey to measure areas where processes are working well and identify areas where changes should be considered. Some of the areas to measure may include: worker expectations, leadership, organizational planning, quality, recognition/feedback, safety, training, management credibility, resource allocation and management, and work environment.</td>
<td></td>
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<td>2.</td>
<td>Conduct a customer satisfaction survey to gauge motorists’ views on the operations and infrastructure. Some of the areas to measure may include: safety, service, convenience, road condition, service plaza services, EZ-Pass system, and whether they would recommend the turnpike system.</td>
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<td>3.</td>
<td>Consider implementing customized software for a performance dashboard.</td>
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<td>4.</td>
<td>Conduct public accountability meetings and report quarterly on same metric data that is reported internally to the executive staff.</td>
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<td>5.</td>
<td>Track the status of individual active construction projects, monthly, based on time and cost so that changes may be made to achieve project goals. Construct a dashboard to illustrate the performance of construction projects against the goals set by the PTC.</td>
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<td>6.</td>
<td>Implement metrics to assist in monitoring and identifying any issues with staff productivity or process. These metrics may be formally completed on a monthly basis and reviewed daily/weekly by staff directly involved.</td>
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<td>7.</td>
<td>Implement metrics relating to response times for work orders, preventive maintenance, EZ Pass penetration rates to ensure that the contracted vendors are addressing issues and performing preventative maintenance promptly.</td>
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<td>8.</td>
<td>Consider an incentive/disincentive program for vendors in which the Operations vendors are financially rewarded for meeting metrics and financially penalized for failing to meet the metrics.</td>
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<td>10.</td>
<td>Prepare one-page scorecards or summary report for metrics that are important to the agency which they can affect. Scorecards may include the score (based on a predetermined scale), trend. They should be easily understood by public officials and the general public.</td>
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### Best Practice Findings

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<tr>
<td>1.</td>
<td>Provide at least one branded food concept and a healthy food choice in each service plaza open 24-hours per day.</td>
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<td>2.</td>
<td>Provide trip specific traffic and weather information at service plazas (possibly via closed-circuit television).</td>
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<td>3.</td>
<td>Provide additional amenities at the service plazas including: washers, dryers, free showers, and free Wi-Fi service- extending out to the overnight truck parking areas as well.</td>
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<td>4.</td>
<td>Provide truck stop electrification at additional service plazas so trucks may turn off diesel engines and still enjoy cab comforts while resting.</td>
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<td>5.</td>
<td>Provide Farmer’s Markets and/or local events at more service plazas to showcase local goods/services.</td>
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<td>6.</td>
<td>Use email addresses of the EZ-Pass subscribers’ database for E-newsletters and surveys specific to the toll facility.</td>
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<tr>
<td>7.</td>
<td>Reduce call box program to rural areas (limited cell phone coverage) and institute emergency call number signing (e.g. *55).</td>
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APPENDIX F

KEY ELEMENTS OF STRATEGIC, TACTICAL AND BUSINESS PLAN

2001 PTC Strategic Plan

Mission: To operate and manage a safe, reliable, cost effective and valued toll road system.

Vision: A safe, non-stop, free-flowing toll road system offering reliable and enjoyable travel and services that is considered by customers to be a premiere transportation value.

Goals:

1. Achieve a non-stop, free-flowing highway transportation system. – 5 Strategic Statements

2. Provide responsible business management of available resources. – 6 Strategic Statements

3. Invest in turnpike employees. – 3 Strategic Statements

2014 PTC Strategic Plan

- Document the process of defining the PTC’s direction
- Provide guidance on allocating resources to pursue this direction
- Explore the PTC’s current position on key initiatives and pursue the direction we establish through this Strategic Plan
- Determine where the PTC will be going for the next 5 years or more and how to get there
Charting the Course

- The 13 Prioritized Goals have been factored into the Strategic Plan Development Process as objectives and will move forward through the Business Plans.
- Most of the goals are currently being advanced by various Departments.

Executive Management Team (EMT) is the main conduit to providing input into Strategic Plan.

July 1 – EMT Kickoff Meeting (Review existing Department Strategic Plans and Charting the Course)
July 8 – 1st EMT Workshop (Strategic Plan Process Workshop Foundation)
July 26 – 2nd EMT Workshop (Mission/Vision/Values/Strategic Drivers/Critical Business Issues/Critical Success Factors)
August 15 to September 23 – Department SWOT Analysis
October 2 – 3rd EMT Workshop (SWOT, Goals and Objectives)
October 21 – Meeting with Commissioners and EMT
November 26 – 4th EMT Workshop (Objectives and Measures)
December 20 – 5th EMT Meeting (Present Executive Summary)
**Mission**

Definition: Defines the fundamental purpose of an organization, succinctly describing why it exists and what it does to achieve its vision. It summarizes what the PTC wants to accomplish and the primary means to get there (purpose statement).

To operate a safe, reliable, customer valued toll road system that supports national mobility and commerce.

**Vision**

Definition: Outlines what an organization wants to be and defines what it is striving for when functioning effectively.

In serving our customers, we will reaffirm ourselves as the world’s finest superhighway by:

- Fulfilling our public responsibility to provide a safe, sustainable, uninterrupted travel experience
- Becoming an industry leader, a valued business partner and a trusted employer

**Values**

Definition: Beliefs employees hold in common that are shared among the stakeholders of an organization. Values drive an organization’s culture and priorities and provide a framework in which decisions are made.

- **Communication:** We strive to foster continuous communication with our employees, customers, Legislators, stakeholders, and business partners.
- **Customer Service:** We maintain the highest level of quality service with a focus on safety, dependability and mobility.
- **Diversity:** Provide equal opportunity for all employees and business partners.
- **Innovation:** We foster a visionary atmosphere to maintain our role as an industry leader.
- **Integrity:** We conduct ourselves transparently, responsibly, ethically, and honestly to earn the public’s trust every day.
- **Professionalism:** We create a work environment where employees are empowered to take ownership of their work and provide excellence in public service.
- **Safety:** We care deeply about the safety of our employees, customers and business partners.
- **Stewardship:** We respect current and future generations by using cost-effective strategies that meet today’s challenges while safeguarding our resources, our finances and our environment for tomorrow.
- **Teamwork:** We promote respect and collaboration among all team members to ensure effective and efficient quality service for our customers.
Driving Towards Success

SWOT Analysis

- Helpful to achieving the objective
- Harmful to achieving the objective

Internal origin (within the organization)
- Strengths
- Weaknesses

External origin (external to the organization)
- Opportunities
- Threats

Swot Analysis Process

- 12 meetings representing all business units within the Commission
- Cross-section of over 100 employees participated
- Average meeting – 2 hours
- Meetings held between August 15 - September 23

Strategic Drivers

Definition: Forces that shape an organization’s strategy in such a way that determines the success or failure of the strategy.
- Safety
- Customer
- Legislative/Regulatory
- Infrastructure
- Financial
- Toll Collection Technology
- Workforce

Goals/Objectives

Definition: Goals are general statements that describe a desired solution in support of the mission. Objectives are concrete steps to achieve the goals that are:
- Specific
- Measurable
- Achievable
- Reasonable
- Timebound

A GOAL was developed for each Strategic Driver.
Goals

- **Safety**: To provide the safest possible environment for our customers, employees and business partners.
- **Customer**: Meet and exceed customer expectation while providing safe, convenient, reliable travel.
- **Legislative/Regulatory**: To help shape our future as an independent Commission with the appropriate resources to achieve our mission.
- **Infrastructure**: Manage our new investments and preserve the life of existing assets (i.e. pavement, structures, facilities, and technology).

Business Plan

- A Business Plan generally flows from the Strategic Plan
- Summarizes operational and financial objectives for the upcoming year and illustrates how they will be achieved
- It serves as a blueprint to guide policies and strategies, and is continually modified as conditions change and new opportunities and/or threats emerge
- The Business Planning phase of this process would begin January 2014.

Goals

- **Financial**: Maintain a sound financial position.
- **Toll Collection Technology**: Achieve a cashless, non-stop travel highway system.
- **Workforce**: To create a workplace environment that ensures all employees understand, respect and encourage a commitment to the Commission’s values.
I. Statement of Purpose and Scope:

1.1. It is the policy of the Pennsylvania Turnpike Commission that efficiency, integrity, appearance and high moral and ethical standards and practices shall prevail in the accomplishment of the work of the Commission.

1.2. This Code of Conduct shall supplement all other provisions under Act 44, Chapter 82 (Turnpike Commission Standards of Conduct) and shall provide guidelines applicable to Members, Executive-Level Employees (as herein defined), and Employees and the Immediate Families of the Members, Executive-Level Employees, and Employees to enable them to avoid any perceived or actual conflict of interest and to promote public confidence in the integrity and impartiality of the Commission.

II. Applicability:

2.1. All Members, Executive-Level Employees and other full time, part time or probationary employees (Employees) must adhere to this Code of Conduct. This Code of Conduct also applies to the Immediate Family of Members, Executive-Level Employees and Employees.

2.2. All Members, Executive-Level Employees, and Employees shall participate in an annual training session, provided by the Commission, which addresses this Code of Conduct.
III. Definitions:

The following words and phrases when used in this Code of Conduct shall have the meanings given to them in this Part unless the context clearly indicates otherwise:

3.1. "BUSINESS." Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

3.2. "ASSOCIATED" (WITH A BUSINESS). Any business in which the person or a member of the person's immediate family is a director, officer, owner, or employee, or has a financial interest in a Business.

3.3. "CONFIDENTIAL INFORMATION." Information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

3.4. "CONFLICT" or "CONFLICT OF INTEREST." Use by a Member, Executive-Level Employee, or Employee of the authority of his or her office or employment or any confidential information received through his or her holding the position of Member, Executive-Level Employee, or Employee or employment for the private pecuniary benefit of himself or herself, the Immediate Family of the Member, Executive-Level Employee, or Employee, or a business with which the Member, Executive-Level Employee, or Employee, or the Immediate Family of the Member, Executive-Level Employee, or Employee is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Member, Executive-Level Employee, or Employee, the Immediate Family of any Member, Executive-Level Employee, Employee, or a business with which the Member, Executive-Level Employee, or Employee, or the Immediate Family of a Member, Executive-Level Employee, or Employee is associated.


3.6. "DE MINIMIS ECONOMIC IMPACT." An economic consequence which has an insignificant effect.

3.7. "EXECUTIVE-LEVEL EMPLOYEE." The Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Chief Counsel, Chief Engineer, Chief Information Officer, Chief Compliance Officer or any other senior management employee with discretionary powers (including but not limited to the Director of Contracts Administration, Manager of Strategic Sourcing and Asset Management, Contract Management Services Manager and Assistant Chiefs) which may affect the outcome of a Commission action or decision or who functions in press or public relations, legislative liaison, contracts administration, purchasing or development of executive policy.
3.7(a) “Committee Member.” Any Executive-Level Employee or Employee who serves on a Commission committee responsible for considering proposals, responses, statements of interest, and/or bids from any person or entity that seeks to do business with the Commission.

3.8. “EMPLOYEE.” Any person who receives compensation from the Commission on an hourly, daily or annual wage basis. This definition includes full time, part time or probationary basis.

3.9. “HAVE AN ADVERSE INTEREST.” Be the party to a contract (as defined in 71 P.S. § 776.2(4)) other than the Commonwealth of Pennsylvania, the Commission, or a State Agency (as defined in 71 P.S. § 776.2(8)) or be a stockholder, partner, member, agent, representative or employee of such party.

3.10. “IMMEDIATE FAMILY.” A spouse, parent, brother, sister, or child.

3.11. “FACILITY.” Rest areas, service plazas, restaurants, fueling stations, traffic advisory systems, call boxes or other services provided by the Commission to persons using toll roads or highways operated by the Commission.

3.12. “FINANCIAL INTEREST.” Any financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

3.13. “GIFT.” Anything which is received without consideration of equal or greater value. The term shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business.

3.14. “MEMBER.” A Commissioner appointed to the Commission, including the Secretary of Transportation, and any successor entity thereto.

3.15. “OWNERSHIP INTEREST.” Owning or holding, or being deemed to hold, debt or equity securities or other ownership interest or profit interest.

3.16. “PARTY OFFICER.” A member of a National committee of a political party; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the Executive Committee of a State Committee of a political party; or a County chairman, vice chairman, counsel, secretary, or treasurer of a County committee or a City chairman, vice chairman, counsel, secretary, or treasurer of a City committee of a political party.

3.17. “Pennsylvania Turnpike Commission.” An entity formed or maintained under authority of the Act of May 21, 1937 (P.L. 774, No. 211), referred to as the Pennsylvania Turnpike Commission Act, and the Act of
September 30, 1985 (P.L. 240, No. 61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, or any successor entity.

3.18. “PUBLIC OFFICIAL.” Any official elected to a Federal, State or County office.

3.19. “RECOMMEND.” To praise or commend to another as being worthy or desirable; endorse.

3.20. “SUGGEST.” To offer for consideration or action; propose.

IV. **Conflicts of Interest and the Appearance of Conflicts of Interest:**

4.1. No Member, Executive-Level Employee, or Employee shall engage in conduct that constitutes an actual or perceived conflict of interest.

4.2. Members, Executive-Level Employees, and Employees shall refrain from any financial or business dealing, which would affect the Member’s, Executive-Level Employee’s, or Employee’s objectivity, impartiality or independence of judgment.

4.3. No Member, Executive-Level Employee or other Employee shall influence, or attempt to influence, the making of or supervise or in any manner deal with any contract in which he has an adverse interest.

4.4. No Executive-Level Employee or other Employee shall have an adverse interest in any contract with the Commission.

4.5. **No Member, Executive-Level Employee or other Employee may accept any discount, gift, gratuity, compensation, travel, lodging, hospitality or other thing of value, in excess of the limits set forth in 65 Pa.C.S.A. § 1105(b)(6) & (7) (Public Official and Employee Ethics Act)** (relating to statement of financial interests), directly or indirectly, from any facility vendor, consultant, or business including from employees of that facility, vendor, consultant or business with which the Commission has a contractual relationship.

4.6. Notwithstanding the preceding provision, a Member, Executive-Level Employee, or Employee may accept a gift from a spouse, parent, parent-by-marriage, sibling, child, grandchild or other family member or friend when the circumstances make it clear that the motivation for the action was a personal or family relationship. For purposes of this paragraph, the term “friend” shall not include a registered lobbyist or an employee of a registered lobbyist.

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1 Section 1105(b)(6) provides for disclosure of any gift or gifts valued in the aggregate at $250 or more and Section 1105(b)(7) provides for disclosure of any payment for, or reimbursement of actual expenses for, transportation and lodging or hospitality received in connection with public office or employment where such actual expenses for transportation and lodging or hospitality exceed $650 in the aggregate.
4.7. No Member, Executive-Level Employee, or Committee Member nor the Immediate Family of such person shall participate in any deliberations or vote of the Commission in which that person may have a direct or indirect pecuniary interest.

4.8. A Member shall abstain from any vote or decision which authorizes a contract in which the member has any pecuniary interest. The Member shall disclose the interest in a public meeting prior to the vote or decision. Failure to comply with this paragraph shall render the contract null and void.

4.9. No Member or Executive-Level Employee may solicit, request, suggest or recommend the employment, by either the Commission or a contractor with the Commission, of any individual related within the first degree of consanguinity to the Member or the spouse of the Member or Executive-Level Employee as set forth in 23 Pa.C.S.A. § 1304(e) (relating to restrictions on issuance of license) The first degree of consanguinity encompasses a parent, sibling, aunt, uncle, grandparent, grandchild, child or first cousin.

4.10. At the time of Appointment and annually thereafter, each Member shall disclose the existence of all ownership interests in any Facility, Vendor, Consultant or Business with which the Commission has contracted.

4.11. The disclosure statement under the preceding paragraph shall be filed with the Chief Executive Officer of the Commission and shall be open to inspection by the public at the office of the Commission during normal business hours of the Commission during the tenure of the Member.

V. Future Employment:

5.1. No former Member or Executive-Level Employee may receive any pecuniary benefit from a contract between the Commission and the employer of the former Member or Executive-Level Employee for a period of one year from the termination of employment or service with the Commission.

5.2. No former Member or Executive-Level Employee may solicit any contracts with the Commission for a period of one year from the termination of employment or service with the Commission.
VI. **Non-Profit Service:**

6.1 No Member, Executive-Level Employee, or Employee may use the promise of business with the Commission to solicit funds for any charitable, educational, religious, health, fraternal, civic or other non-profit entity, or any political campaign or candidate.

6.2 A Member or Executive-Level Employee may serve as an officer, employee or member of the governing body of a non-profit entity, subject to the other provisions of this policy, and may attend, make personal contributions to and plan or preside over the entity’s fundraising events.

6.3 A Member or Executive-Level Employee may permit his name to appear on the letterhead used for fundraising events if the letterhead contains only the Member’s or Executive-Level Employee’s name and position with the non-profit entity.

VII. **Confidential Information:**

7.1 No Member, Executive-Level Employee or other Employee shall use or disclose Confidential Information obtained in the performance of his or her duties for personal benefit or for the benefit of any person or entity other than the Commission.

7.2 No Member, Executive-Level Employee or other Employee shall divulge Confidential Information to any unauthorized person or release any information in advance of the time prescribed for its release, for the financial or pecuniary gain of himself/herself or others.

VIII. **Conviction of Crime:**

8.1 A Member who, during his or her term, is convicted of a felony in any Domestic or Foreign jurisdiction shall, upon conviction, be automatically removed from the Commission and shall be ineligible to become a Member in the future.

IX. **Public Office and Party Affiliation:**

9.1 Except for the Secretary of Transportation, no Member or Executive-Level Employee shall be a Public Official or Party Officer in the Commonwealth of Pennsylvania.

9.2 No Executive-Level Employee or Employee shall (a) engage in any political activity (such as campaigning, fundraising, canvassing, or pollwatching) during his or her specified working hours or which is determined by the Commissioners to conflict or interfere with the ability of the Executive-Level Employee or Employee to effectively and efficiently carry out the duties and functions of his or
her position, (b) use or allow others to use Commission facilities, resources, equipment, vehicles or electronic devices for political activities, or (c) in any manner coerce any other person employed by the Commission to contribute time, money, or services to a political candidate or campaign.

Individuals not employed by the Commission are also prohibited from using Commission facilities, resources, equipment, vehicles or electronic devices for political purposes.

9.3 No Executive-Level Employee or Employee shall be a candidate for nomination or election to any State or Federal Office unless he or she shall have first resigned from his or her employment with the Commission. State Office shall be deemed to include the following offices in the Commonwealth of Pennsylvania: Governor, Lieutenant Governor, Attorney General, Auditor General, State Treasurer, Senator and Representative in the General Assembly, and Judge or Justice of any Court of the Commonwealth, including Magisterial District Court and Municipal Court. Federal Office shall be deemed to include Senator and Representative in the United States Congress.²

X. Leave:

10.1 An Executive-Level Employee or Employee will not be approved for personal leave with or without pay or for an unpaid leave of absence except as specifically provided by law.

XI. Job Performance of Employees:

Each Employee shall:

11.1. Perform all assigned duties in a professional manner.

11.2. Become familiar with the policies and regulations of the Commission applicable to his or her assignment.

11.3. Implement and adhere to the policies of the Commission including this Code of Conduct.

11.4. Strive to improve job performance so as to render service at the highest level of competence.

² The terms “candidate” and “election,” as used in 9.3 and 9.4 are defined in the Pennsylvania Election Code, act of June 3, 1937, P.L. 1333, as amended, 25 P.S. § 2602 ("(a) The word “candidate” shall, unless the context otherwise requires, include both candidates for nomination and election. . . . (f) The word “election” shall mean any general, municipal, special or primary election, unless otherwise specified.").
11.5. Respect the Rules and Regulations of the Commission and ensure they are administered fairly.

11.6. Transact public business with dignity, courtesy, honesty and integrity.

11.7. Bring to the attention of the Chief Compliance Officer of the Commission (or the Chief Counsel of the Commission if the matter involves the Compliance Department) those matters pertaining to Commission business which represent activities that may be contrary to the objectives of the Commission.

11.8. Refrain from engaging in any activity that would reflect unfavorably on or discredit the Commission.

XII. **Applicability of Other Laws:**

In addition to the standards set forth in this Code of Conduct, the Commission and its Members and Executive-Level Employees shall comply with the following Acts:

12.1. The Act of June 21, 1957 (P.L. 390, No. 212), referred to as the Right-to-Know Law.³


12.3. Except in those instances where this Code of Conduct is more restrictive, 65 Pa.C.S. Chapters 7 and 11, known as the Pennsylvania State Ethics Act (relating to open meetings, ethical standards and financial disclosures). This includes the requirement that all Members and Executive-Level Employees must file an annual statement of financial interest under 65 Pa.C.S. § 1104.

XIII. **Violations of Code of Conduct:**

13.1. Violations of this Code of Conduct shall result in appropriate disciplinary action, up to and including, termination.

13.2. Known violations of Code of Conduct (by self or others) must be reported to the Chief Compliance Officer of the Commission (or the Chief Counsel of the Commission if the violation involves the Compliance Department).

XIV. **Effective Date:**

14.1. This Code of Conduct shall be effective as of ________________.

XV. **Inquiries:**

15.1. Any questions concerning the scope or interpretation of this Code of Conduct or whether any certain conduct is permissible hereunder should be directed to the Chief Counsel of the Commission.

XVI. **Acknowledgement and Receipt:**

16.1. The Commission will require each Member, Executive-Level Employee and/or Employee to acknowledge receipt and execute an agreement to be bound by the terms and conditions of this Code of Conduct. Any person within the scope of the Code of Conduct shall be deemed bound by its terms and conditions notwithstanding any failure to execute or deliver an acknowledgement and receipt.
ACKNOWLEDGEMENT AND RECEIPT OF
CODE OF CONDUCT OF THE PENNSYLVANIA TURNPIKE COMMISSION

I acknowledge receipt of the Code of Conduct and agree to abide by all policies and provisions of the Code of Conduct applicable to my position. I understand that any violation may result in disciplinary action ranging from reprimand to termination. I will not engage in any conduct which violates the Code of Conduct and will immediately disclose any circumstances which I reasonably believe may be, or may have been a violation of the Code of Conduct to the Chief Compliance Officer (or the Chief Counsel of the Commission if the violation involves the Compliance Department).

____________________________________
Signature

____________________________________
Print Name

____________________________________
Date

____________________________________
Title

This Policy Letter supersedes all previous Policy Letters on this subject.
PROJECT SELECTION PROCESS

Tier 1
- Project Advertisement (RFP)
- Proposal Submitted (SOI)
- Technical Evaluation Team (TET)

Tier 2
- Professional Services Procurement Committee (PSPC)

Tier 3
- Commissioner Review
- Contract Award
PROCUREMENT PROCESS

PENNSYLVANIA TURNPIKE COMMISSION

July 22, 2011

SUBJECT: Procurement of Professional Services

TO: Roger E. Nutt – Chief Executive Officer

FROM: Donald S. Klingensmith, P.E. (on behalf of the Manage Contracts Process Team) Contracts Administration Department

The Manage Contracts Process Team recommends for your approval that the processes for the procurement of professional services as described in the Contracting Policies and Procedures Manual be modified as described below.

PTC Professional Services Procurement

Professional Services that are procured through a Request for Proposals (RFP) includes a qualitative based analysis and will follow a competitive selection process as outlined herein. The term “RFP” is used when requesting Statements of Interest (SOI) or Proposals, and the same process is used when issuing a Request for Qualifications (RFQ).

RFP - Upon approval by the Commission to advertise for a firm(s) to provide professional services, an RFP will be developed by the Issuing Office (Engineering, I.T., Finance, etc...) and will be advertised on the Commission’s website by the Contracts Administration Department. The RFP must include applicable criteria, listed in order of importance, that will be used to evaluate the responses to the RFP. Criteria may include factors such as understanding the problem, specialized experience or qualifications of firm and personnel, soundness of approach, cost (not used for Architect/Engineering services), diversity inclusion, and other factors specific to the project or as determined by the Commission.

Technical Evaluation and Rating - The responses (Proposals, Statements of Interest, etc...) to an RFP will be evaluated by a Technical Evaluation Team (TET). The Issuing Office will recommend at least three members to serve on the TET. TET members may vary with each RFP. The members should include subject matter experts from the Issuing Office but may also include subject matter experts from other affected Departments. The Issuing Office will submit the list of recommended TET members to the Manager of Contracts Administration for concurrence. The Manager of Contracts Administration will then forward a final proposed TET to the CEO for approval.

The TET will review the Proposals/SOIs and, based on the published evaluation criteria, provide a qualitative assessment of each submission in the form of narrative evaluation summaries. The evaluation summaries will identify strong points and weak points associated with the published evaluation criteria and should also include discussion regarding the firms’ past record of performance, workload, location, and a listing of subconsultants for each of the responding firms. The TET will rate, upon team consensus, each respondent’s proposal or SOI based on the published evaluation criteria as Highly Recommended, Recommended, or Not-Recommended for the assignment. TET members shall initial and date the narrative evaluation summaries evidencing their concurrence with the ratings.
**Professional Services Procurement Committee** - The narrative evaluation summaries will be presented to the Professional Services Procurement Committee (PSPC) by a member of the TET. The permanent members of the PSPC include the following: Chief Counsel (non-voting member), Chief Engineer, Chief Financial Officer, Director of Communications and Public Relations, the Manager of Contracts Administration, and one member appointed by the CEO. The CEO/COO’s direct report for the Issuing Office will serve as a sixth voting member of the PSPC on an ad-hoc basis if the Issuing Office is not under the supervision of one of the aforementioned permanent members.

**Selection Recommendation** - The PSPC will consider the narrative evaluation summaries including ratings and job-specific capabilities as well as factors such as equitable distribution of work, past performance record, geographic proximity of the firm in comparison to the assignment, estimated value, scope, complexity and professional nature of the services to be rendered and any other relevant circumstances. If the evaluation summaries appear to be incomplete, inconsistent, or have insufficient supporting information, the PSPC can request the TET to provide additional information or justification in the form of revised summaries.

Based on the review of the proposals/SOIs, the PSPC will vote to rank and select the most highly qualified firm*. The PSPC voting will determine the recommended order of preference. The 3 highest ranked firms, in order of preference, will be forwarded to the CEO/COO.

Minutes shall be taken at each PSPC meeting to record selection discussion and process. The vote of all members shall be recorded in the minutes. PSPC members shall initial and date the minutes evidencing their concurrence with the rankings and selection recommendation.

An agenda item requesting Commission approval of the selection recommendation along with the names of the next 2 firms will be forwarded to the CEO for concurrence. Back-up documentation will be provided to the CEO including PSPC voting results, PSPC meeting minutes, and the TET narrative evaluation summaries.

* Prior to issuing an advertisement for professional services the Commission must approve, and the RFP/RFQ must indicate, if more than one firm will be selected from a single RFP/RFQ.

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Approve: 

Chief Executive Officer

Cc: C. Shuey
    D. McCall
    F. Kempf
PENNSYLVANIA TURNPIKE COMMISSION

December 29, 2011

SUBJECT: Procurement of Professional Services

TO: Roger Nutt – Chief Executive Officer

From: Donald S. Klingensmith, P.E. (on behalf of the Manage Contracts Process Team)

Contracts Administration Department

The Manage Contracts Process Team recommends for your approval that the processes for the procurement of professional services as described in the Contracting Policies and Procedures Manual be modified as described below.

ADDENDUM #1

PTC Professional Services Procurement

Revise the second paragraph in the section titled “Selection Recommendation” to read as follows:

Based on the review of the proposals/SOIs, the PSPC will vote to rank and select the most highly qualified firm(s). The PSPC voting will determine the recommended order of preference. A ranking of a minimum of the three highest ranked firms, in order of preference, will be developed. When more than one firm is being recommended for award from a single RFP, the PSPC may determine at the beginning of the meeting to conduct separate rounds of voting to establish each rank in the recommended order of preference. The firm with the highest vote total from a round of voting will be given the rank of the corresponding round and will be excluded from later rounds of voting. The ranking will include at least four firms when awarding two contracts, five firms when awarding three contracts, and so on.

All other processes described in the procurement of professional services memo dated July 22, 2011 remain unchanged.

Approve: [Signature]

Chief Executive Officer

Cc: C. Shuey
D. McCall
F. Kempf
SUBJECT: Procurement of Professional Services

TO: Roger Nutt – Chief Executive Officer

From: Donald S. Klingensmith, P.E. (on behalf of the Manage Contracts Process Team)
Contracts Administration Department

The Manage Contracts Process Team, in consultation with Buchanan Ingersoll & Rooney, P.C., recommends that the procurement of professional services processes, as described in the Contracting Policies and Procedures Manual, be modified as described below, subject to your approval.

**PTC Professional Services Procurement**

When Professional Services are procured through a Request for Proposal (RFP)\(^1\), the procurement process shall include a qualitative-based analysis and will follow a competitive selection process outlined below. The same process is used when issuing a Request for Qualifications (RFQ).

**Issuance of the RFP**

Upon approval by the Commission to advertise for a firm(s) to provide professional services, an RFP will be developed by the Issuing Office (Engineering, IT, Finance, etc.) and will be advertised on the Commission’s website by the Contracts Administration Department. The RFP shall include evaluation criteria that are specific to the project to evaluate the responses to the RFP. The evaluation criteria shall be listed in order of importance.

Evaluation criteria should generally include, when applicable, the following: (1) understanding the problem; (2) specialized experience and qualifications of firm and personnel; (3) soundness of approach; (4) cost (not used for Architect/Engineering services); (5) past performance on projects the firm has (had) with the Commission; and (6) other relevant factors specific to the project or as determined by the Commission (“Evaluation Criteria”).

**Requests for Statements of Interest (SOIs) and Certain, Non-Traditional, RFPs/ RFQs**

For procurements that are based on qualifications alone and cost is not a factor (selection from requests for SOIs and certain, non-traditional, RFPs/RFQs\(^2\)), the solicitation/advertisement shall include the above listed evaluation criteria and additional selection factors used by the Commission during the selection process. The additional selection factors may generally include, when applicable, the following: (1) geographic location and proximity of the firm; (2) Firm’s Pennsylvania presence and utilization of Pennsylvania employees for this assignment; (3) equitable distribution of work; (4) diversity inclusion; and (5) other relevant factors as determined appropriate by the Commission (“Additional Selection Factors”).

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\(^{1}\) RFP includes Request for Proposals as well as requests for Statements of Interest (“SOI”).

\(^{2}\) If establishing a pool(s) of firms from which selection will be made or selection of an individual firm or firms to provide services from which a scope of services will be later developed and costs will be provided by the firm(s) for acceptance by the Commission.
**TIER 1: Technical Evaluation Team**
The responses to an RFP will be evaluated by a Technical Evaluation Team ("TET"). The Issuing Office will recommend at least three members to serve on the TET. TET members may vary with each RFP. The members should include subject matter experts from the Issuing Office but may also include subject matter experts from other affected Departments. The Issuing Office will submit the list of recommended TET members to the Manager of Contracts Administration for concurrence. The Manager of Contracts Administration will then forward a final proposed TET to the CEO for approval.

The TET will review the responses and provide a qualitative assessment of each submission in the form of narrative evaluation summaries ("NES"). The NES will identify strong points and weak points associated with the published Evaluation Criteria. The NES should also include information associated with the Additional Selection Factors, when applicable, which is dependent upon the type of solicitation, such as firm’s location, number of employees as well as PA employees, recently completed (no more than the previous 4 years) and active projects with the PTC, and the DBE/MBE/WBE inclusion or certifications for each of the responding firms.

The TET will rate, upon team consensus, each response as Highly Recommended, Recommended, or Not-Recommended for the assignment based only on the published Evaluation Criteria. TET members shall initial and date the NES evidencing their concurrence with the ratings.

**TIER 2: Professional Services Procurement Committee**
The NES will be presented to the Professional Services Procurement Committee ("PSPC") by a member of the TET or the designee of the TET. The permanent members of the PSPC shall include the following: Chief Counsel (non-voting member), Chief Engineer, Chief Financial Officer, Chief of Communications and Public Relations, the Manager of Contracts Administration, and one member appointed by the CEO. The CEO/COO's direct report for the Issuing Office will serve as a sixth voting member of the PSPC on an ad-hoc basis if the Issuing Office is not under the supervision of one of the aforementioned permanent members.

If the NES appear to be incomplete, inconsistent, or contain insufficient supporting information, the PSPC can request the TET to provide additional information or justification in the form of revised summaries.

The PSPC will consider the TET’s NES including the ratings. In addition, the PSPC may consider Additional Selection Factors, when applicable, which is dependent upon the type of solicitation, taking into account the estimated value, scope, complexity and professional nature of the services to be rendered and any other relevant circumstances. After reviewing the NES, Additional Selection Factors and considering other relevant factors, the PSPC shall make an independent determination as to each firm's rating.

The PSPC will not rank the firms. Instead, after evaluating all submissions and preparing a list of "highly recommended" firms, the PSPC shall seek CEO approval to submit the list of all "highly recommended" firms to the Commission for consideration. After receiving the CEO's approval, the PSPC will submit the list of “highly recommended” firms, in alphabetical order, to the Commissioners. The PSPC shall also prepare an additional memorandum or chart, to be submitted to the Commissioners, containing the minutes of the PSPC meeting and the NES.

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3 The permanent members of the PSPC will remain unchanged from those listed in Roger Nutt’s July 22, 2011, memorandum.
Minutes shall be taken at each PSPC meeting to document the selection analysis and record the votes of all members as to which firms are "highly recommended". PSPC members shall initial and date the minutes evidencing their concurrence with the evaluations and determination of the "highly recommended" firms.

**TIER 3: Commissioner Review**

The Commissioners will receive all TET and PSPC materials related to the "highly recommended" firms. The Commissioners will consider the NES as well as the Additional Selection Factors, when applicable, which is dependent upon the type of solicitation, and any other relevant circumstances as determined appropriate by the Commissioners.

If the Commissioners believe they have not been provided adequate information, or that the analysis of the PSPC appears to be incomplete, inconsistent, or contain insufficient supporting information, the Commissioners can request the CEO send the PSPC analysis back to the PSPC for further review.

Based on the review of the NES, PSPC memoranda and other materials provided, the Commissioners will draft a resolution setting forth the three finalists. The resolution shall include a listing of the top three (3) candidates, in alphabetical order, as well as reasons supporting the Commissioners' determination.

At a Commission meeting, the Commissioners will present the aforementioned resolution. The Commissioners will then vote to affirm the three finalists. Once the Commissioners affirm the three finalists, the Commissioners will conduct an open discussion at the same open meeting to reach a consensus on the final ranking of the finalists. Once a final ranking has been reached, the Commissioners will vote to select the most highly qualified firm(s) or the firm(s) whose proposal is determined to be the most advantageous to the Commission based on their review of all materials. The motion shall include authorization for the negotiation of an agreement by the Issuing Office and Contracts Administration as prepared by the Legal Department and approved by the CEO and authorization for the appropriate Commission officials to execute the agreement. The agreement shall be for a term as set forth in the solicitation or as negotiated and for an amount as set forth in the firm(s)' proposal or a not to exceed amount as estimated by the Issuing Office.

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Approve:  
Chief Executive Officer

Cc:  
C. Shuey  
D. McCall  
F. Kempf
APPENDIX I

CHIEF COMPLIANCE OFFICER JOB DESCRIPTION

PENNSYLVANIA TURNPIKE COMMISSION
JOB DESCRIPTION

JOB TITLE: Chief Compliance Officer

JOB IDENTIFICATION
Department: Compliance
Location: Central Office
Reports to: Chief Executive Officer
Salary Range: E21
FLSA Status: Exempt

JOB PURPOSE AND SUMMARY

This executive level position is designated as a policymaking/advisory position that is accountable for the development and execution of comprehensive audit and investigation programs that examine the adequacy and effectiveness of the internal control systems of the Pennsylvania Turnpike Commission (PTC). The position is responsible for planning, organizing and directing the work of a large staff of professional, technical, administrative and clerical employees engaged in all facets of operations auditing, inspector general investigations and toll revenue auditing. The incumbent plans, develops, implements, manages and evaluates the PTC’s auditing and investigations policies, procedures and programs. Work is performed at full professional performance level and requires the application of independent judgment and technical proficiency in the completion of projects. Work is performed with considerable independence and reviewed for achievement of stated goals and objectives.

DUTIES AND RESPONSIBILITIES

Oversees, plans and organizes the operations audit, toll revenue audit and inspector general operational staff functions including supervision, performance management, delegation of work assignments and review of work product.

Directs the comprehensive financial, operational and information technology audit programs to assess the reliability and integrity of the toll revenue collections systems and to ensure appropriate internal business controls are in place. Implements and administers uniform and consistent policies and procedures for audits and investigations.

Directs and oversees the work programs and staff of the Inspector General’s Office concerned with conducting special investigations and security of PTC physical assets and facilities. Reviews difficult cases for which a precedent has not been established or which requires high-level interpretation and decision making. Represents the Inspector General’s Office in meetings with senior management and external officials regarding sensitive and/or controversial findings and/or recommendations.

Develops, plans and conducts routine and non-routine comprehensive audits of internal departmental and toll collection activities which include all PTC program offices, facilities, bureaus and sub-units, federal and state programs and internal and external toll collection programs

Evaluates the accuracy and integrity of operational, fiscal and toll collection systems. Reviews existing/proposed legislation and regulations relating to programs and operations of the PTC. Evaluates the impact of such legislation or regulations on the efficiency in the administration of programs and operations and develops audit plans to detect and prevent fraud/abuse.

Ensures all audits and investigations are conducted in compliance with applicable state and federal laws and regulations, generally accepted accounting and auditing standards and other reporting requirements.

Directs the planning of both short and long-term audits and investigations. Develops and implements policies and strategies to improve audits and investigation operations. Determines feasibility of internal and external audits and investigations, prepares cost benefit analyses and negotiates priorities.
PENNSYLVANIA TURNPIKE COMMISSION
JOB DESCRIPTION

JOB TITLE: Chief Compliance Officer

Develops and implements methods for detecting and preventing fraud, misappropriation, embezzlement and other unlawful acts. Plans and coordinates independent audit and investigation activities performed for departments to assure compliance with state and federal requirements, regulations, contracts, grants and PTC policies and procedures.

Reviews and advises the executive staff of fiscal control actions taken or planned by program management.

Directs the development and implementation of goals, objectives, guidelines and priorities for the Compliance department. Identifies resource needs; formulates and implements policies/procedures.

Develops and implements an outreach program to ensure that all employees understand the requirements of the PTC’s Code of Conduct and that they are in compliance with all rules, regulations and policies. Makes recommendations to update the Code of Conduct when necessary.

Participates in both pre-and-post audit conferences with PTC personnel, providers, subcontractors, certified public accountants and or executive staff to provide assurance that audits provide a proper and comprehensive review of financial matters.

Identifies areas of audits or investigations that warrant particular attention and assists subordinates and other Commission personnel.

Guides and assists department management in developing internal control systems with regard to financial transactions and related business and ensures that such systems are effectively utilized. Identifies needs and provides assistance to formulate and implement changes to policies and procedures.

Develops recommendations for improving audit controls, operating efficiency and the adequacy of agency records, recordkeeping and proper documentation of PTC processes. Conducts follow-up reviews of financial, investment, operational or regulatory compliance deficiencies noted during internal audits.

Responsible to identify fraudulent or abusive practices to recover costs, improve operations or significantly reduce spending. Confers with the Attorney General’s Office to discuss cases referred for criminal action.

Performs examinations to determine by physical review that offices are adhering to sound accounting principles, department policies, rules and regulations and state and federal statutes related to the receipt, accounting, deposit and control of funds and revenues.

Participates in matters involving controversial and difficult policy and regulatory problems. Provides executive management with both formal and informal status reports on audit and investigation activities with a particular concern focused on findings that disclose mismanagement, fraud, abuse, theft or substantial financial impact.

Assists the Legal Office and other departments in the settlement of difficult and sensitive audit findings or investigation issues and serves as an expert witness at hearings.

Chairs meetings and provides advice and assistance to staff on auditing techniques, methods and procedures.

Reviews, approves, submits and implements the departmental budget.

Ascertains that organization assets are properly accounted for and are adequately safeguarded from loss.

Travel as required.

Performs related duties as required.
PENNSYLVANIA TURNPIKE COMMISSION
JOB DESCRIPTION

JOB TITLE: Chief Compliance Officer

QUALIFICATIONS

Education and Licenses
Bachelors degree in finance, criminal justice, business administration, or any equivalent combination of experience, education or training. Possession of valid driver’s license. Must obtain and maintain a valid Pennsylvania driver’s license within six (6) months of employment.

Minimum Experience and Abilities
Ten (10) years of experience, including five (5) years of supervisory experience, in finance, auditing, criminal justice, or any combination of education, experience and training. Must possess or acquire a high degree of knowledge of PTC policies, practices and procedures. Must be willing to delegate work to appropriate individuals and provide feedback when deemed necessary. The position requires superior written, oral and interpersonal communication, problem-solving skills and the ability to work well under pressure in a fast-paced environment, as well as coaching, leadership and organizational skills. Must be able to communicate with a broad spectrum of internal and external groups verbally and in writing.

Essential Functions

- Oversees the operations audit, toll revenue audit and inspector general operations staff functions, including supervision, performance management, delegation of work assignments and review of work product.
- Maintains professional liaison with consultants, vendors and other government and transportation agencies.
- Oversees the development of the annual departmental budget to ensure that it meets departmental and organizational priorities.
- Oversees and monitors the subsequent implementation of objectives, goals and strategies. Provides periodic reviews and updates regarding the status of these efforts to senior management.
- Represents the PTC in designated forums and meetings.
- Chairs, participates in and provides consultation to committees, planning groups, special training or seminars.
- Develops, recommends, interprets and ensures compliance with PTC policies.
- Develops, prepares and reviews reports.
- Maintains courteous, cordial and professional communication skills at all times.
- Maintains an overall perspective and thinks analytically.
- Demonstrates continuous effort to improve operations and decrease turnaround times; streamlines work processes and works cooperatively and jointly to provide quality customer service.
- Communicates clearly and authoritatively, orally and in writing. Exercises discretion and independent judgment with a high degree of confidentiality.
- Operates a personal computer utilizing programs included in or similar to Microsoft Office, desktop publishing products and website programs.
- Travel as required.
PENNSYLVANIA TURNPIKE COMMISSION

JOB DESCRIPTION

JOB TITLE: Chief Compliance Officer

Physical Demands
Position demands include frequent speaking, writing, reading reports and working at a computer. Position may require fieldwork and exposure to roadway traffic.

Work Environment
Office environment with low levels of noise, adequate lighting and comfortable temperature. Field environment may include exposure to moderately adverse and undesirable conditions. Physical environment is generally safe, but safety equipment or precautions must be followed in field conditions.

Disclaimer
The information provided in this description has been designed to indicate the general nature and level of work performed by the incumbent(s) within this job. It is not designed to be interpreted as a comprehensive inventory of all duties, responsibilities, qualifications and working conditions required of the employee(s) assigned to this job. Management has discretion to add or modify duties of the job and to designate other functions as essential at any time.

Approved by:

Director of Human Resources 8/31/14

Chief Executive Officer 1/29/15
Business Conduct Guidelines
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August 2014
The Business Conduct Guidelines (BCGs) establish the position of the Pennsylvania Turnpike Commission (PTC) with respect to business conduct. The BCGs have been adapted to:

- endorse and promote the PTC's commitment to honest and ethical behavior, including fair dealings and the avoidance of conflicts of interest;
- ensure compliance with applicable laws, rules and regulations;
- protect the PTC’s business interests; and
- deter criminal behavior.

**USING THE BUSINESS CONDUCT GUIDELINES**

The BCGs were established to provide general guidance for acceptable business conduct. PTC employees are expected to comply with all applicable policies, procedures and guidelines, some of which are referenced throughout the BCGs. As we all know, there are no single set of guidelines, policies or procedures that can provide guidance to address all circumstances. That is why we expect all PTC employees to abide by all applicable laws and policies when exercising their duties, responsibilities and daily activities. When in doubt, ask for help and guidance from senior management or the Compliance or Legal Departments. A violation of any BCG may result in disciplinary action up to and including termination.

To a substantial degree, the reputation of the PTC is determined by our actions and by the way each and every one of us presents and conducts himself/herself. Illegal or inappropriate behavior on the part of even a single employee can cause the PTC considerable damage. Every employee should be concerned with maintaining and promoting a positive public image of the PTC.

In addition, the PTC expects its vendors, suppliers, contractors and business partners to act in accordance with the BCGs and share the PTC’s values and comply with all applicable laws.
SECTION 1: MANAGEMENT, RESPONSIBILITY AND SUPERVISION

The culture of integrity, ethical behavior and compliance in an organization starts at the top. All managers must fulfill their duties within the organization and be responsible for all employees assigned to them. All managers must earn respect by exemplary behavior, job performance and openness in all interactions with fellow employees and the public. This means, among other things, that each manager must emphasize the importance of ethical conduct and compliance, make them regular topics of everyday business and promote them through leadership and training. Each manager must also set clear and realistic goals and lead by example.

All managers shall be accessible in the event employees need to raise compliance concerns, ask questions or discuss a work-related issue. However, these duties of managers do not relieve employees of their own responsibilities. We must all work together to comply with applicable laws and PTC’s Code of Conduct, policies, procedures and guidelines. Specific manager responsibilities are listed here to demonstrate to PTC employees the leadership and support they should expect from their superiors.

It is the obligation of all managers to be aware of any possible violations of laws within their area of responsibility and when necessary to provide proper supervision to prevent any potential violations of the law. They remain responsible, even if they delegate certain duties.

In particular, the following duties apply to all PTC managers:

- The manager must give precise and complete instructions to employees, especially with regard to compliance with the law.
- The manager must ensure that compliance with the law is diligently monitored.
- The manager must clearly communicate to employees the importance of integrity and compliance in everyday business. He/she must also communicate to employees that violations of the law are unacceptable and may have employment and legal consequences.
SECTION 2: ADHERENCE TO THE LAW

Observing the law is a fundamental principle for all PTC employees. All PTC employees must obey the laws, regulations and all applicable policies and procedures. Violations of the law must be avoided under all circumstances. Regardless of the sanctions that could be imposed by law, all PTC employees who have violated the law will be subject to disciplinary actions. Because of the violation, they will be subject to discipline up to and including termination.

Employees who have questions regarding a proposed course of action or an action already taken should discuss the matter with their manager/supervisor. The manager should consult with the Chief Compliance Officer who, in turn, shall consult the PTC Legal Department (or approved external counsel) as required. In the event an employee has reason to believe that his/her manager is the individual engaging in this activity they shall take their concern to the Chief Compliance Officer (or Chief Counsel if they believe the violation involves the Compliance Office).

Employees are expected to act with honesty and integrity. PTC employees should promptly report unethical behavior or practices to the appropriate manager, the PTC’s Tip Line (1-888-317-3110) or the Chief Compliance Officer.

Employees must also abide by and comply with the following: the PTC’s Code of Conduct (Policy Letter 3.10), the Public Official and Employee Ethics Act (65 Pa. C.S. § 1101 et seq.), the PTC’s Standards of Conduct (74 Pa. C.S. § 8201 et seq.), the Adverse Interest Act (71 P.S. § 776.1 et seq.) and various Federal and State criminal statutes. (These documents can be found on the PTC Intranet in the main document library).

SECTION 3: RESPECT AND DIGNITY IN THE WORKPLACE

The PTC is committed to ensuring that all employees, vendors, business partners, suppliers, contractors, customers and the general public are treated with respect and dignity. The PTC will not tolerate harassment and/or discriminatory acts or practices by any of its employees. (See the PTC’s American with Disabilities Act Policy Letter 2.1, Sexual Harassment and Sexual Discrimination Policy Letter 3.3 and Workplace Violence Policy Letter 3.7)

SECTION 4: ETHICAL BUSINESS PRACTICES

The PTC does not seek to engage in illegal or unethical business practices or behavior. Each employee should deal fairly and ethically with the PTC’s customers, vendors, suppliers, contractors, business partners and employees.
SECTION 5: WORKING WITH OUTSIDE ENTITIES
The PTC expects its vendors, suppliers, contractors and business partners to share its values and comply with all applicable laws. Furthermore, the PTC expects its vendors, suppliers, contractors and business partners to act in accordance with the following principles:

- comply with all applicable laws, including but not limited to health and safety of their employees and environmental laws;
- prohibit corruption;
- respect employees;
- ensure compliance with the BCGs; and
- strictly adhere to the policies, procedures and established protocols regarding all procurement matters.

SECTION 6: CONTRACT AND COMMITMENT GUIDELINES
Employees must ensure that all contracts including Purchase Orders, Change Orders, Supplements and Amendments have proper authorizations and documentation. All contract requirements associated with a contract must be in alignment with the BCGs and reviewed, acknowledged and signed by the contracting parties.

SECTION 7: CONFIDENTIALITY
Confidentiality must be maintained at all times. Therefore, unless specifically designated as public information by the PTC, any confidential or proprietary materials, documents and information of the PTC that an employee, vendor, supplier, contractor or business partner obtains as a result of his/her employment or contractual relationship with the PTC shall be treated as confidential information. PTC employees, vendors, suppliers, contractors and business partners are prohibited from releasing or disclosing any such information to anyone who is not a PTC employee or authorized individual to receive such information. Questions regarding the release or disclosure of PTC information should be directed to the PTC’s Chief Compliance Officer or Legal Department.

Violations of this Section may result in discipline of PTC employees up to and including termination and/or termination of contractual relationship with the vendor, supplier, contractor or business partner and other possible legal remedies.

SECTION 8: PROTECTION AND PROPER USE OF PTC ASSETS
To ensure the protection of PTC assets, it is the duty of PTC employees, vendors, suppliers, contractors and business partners to promptly report to the Chief Compliance Officer or to the PTC’s Tip Line (1-888-317-3110) known or suspected acts of fraud, waste or abuse by PTC employees, vendors, suppliers, contractors and business partners.
8.1 – COMPUTER ACCESS AND USE OF ELECTRONIC MEDIA

Every effort must be made to ensure the confidentiality, integrity and availability of PTC information assets. All electronic communications are the sole property of the PTC. The PTC workforce should be aware that users have no expectation of privacy when using PTC information systems. The PTC reserves the right at any time to examine email, computer records, personal file directories and other information stored on or transmitted over PTC network to ensure compliance with internal policies, to support the performance of internal or external investigations and to assist with the management of information systems.

The use of PTC information systems to operate a personal business, for personal gain in any form, or for other inappropriate use is prohibited. Language and conduct during conversations, instant messaging and email exchanges does reflect on the PTC. As such, a professional manner must be maintained at all times.

Use of the PTC’s computer network assets to download, communicate or exchange materials that conflict with the PTC’s policies is prohibited (See PTC Policies 8.1, 8.5 and 8.7). All PTC employees must sign an Electronic Communications Acceptable Use Policy acknowledging they have read and understand the IT policies and procedures.

SECTION 9: EMPLOYMENT PRACTICES

The PTC is committed to ensuring that equal opportunity exists for all employees in all aspects of employment. (See Equal Employment Opportunity Policy Letter 2.2.)

SECTION 10: HEALTH AND SAFETY

All employees are responsible for performing their duties in a safe manner and for keeping themselves updated on all PTC health and safety policies, procedures and directives. (See Turnpike Safety Responsibility Policy Letter 5.4, Employee Safety Program Policy Letter 5.5 and the Employee Safety Orientation Manual found on the PTC Intranet Traffic and Engineering and Operations Department library.)

SECTION 11: ALCOHOL AND DRUGS

In order to provide the safest possible environment for our employees, visitors and the public, the PTC makes every effort to promote and maintain a drug and alcohol free workplace. All prospective employees must pass a pre-employment drug test, and all employees are subject to reasonable suspicion drug and alcohol testing on observation and documentation.

Using alcohol or any other controlled substance while on duty or on PTC property, except for medication(s) prescribed for the employee by a medical professional, is strictly prohibited and will result in the employee’s termination. Possession of alcohol or any other controlled substance while on duty or on PTC property, except for medication(s) prescribed for the employee by a medical professional, is, without the express written permission of the employee’s supervisor, prohibited and will result in the employee’s termination.
Any employee who is arrested or charged with violating any law prohibiting the manufacture, distribution, or use of alcohol or any other controlled substance must notify their supervisor at their first opportunity, and in all circumstances, within five days of the date of being arrested or of charges being filed.

Supervisors must be sensitive to changes in an employee’s behavior. If a supervisor observes an unexplained pattern of declining job performance or any other change in an employee’s demeanor and suspects alcohol or substance abuse, they should not try to diagnose or counsel the employee. The supervisor should meet privately with the employee and encourage the employee to seek counseling if they have a problem. Employees with a substance abuse or alcohol-related problem are encouraged to seek treatment. Employees should discuss the matter with their supervisor. If an employee feels uncomfortable about discussing the matter with their supervisor, they should contact someone in their chain of command or contact TEAP at 800-571-3221 or visit the PTC Intranet for more information. Employees will not be disciplined for admitting to a problem and enrolling in and successfully completing an approved rehabilitation program. (See Substance Abuse Policy Letter 3.5.)

SECTION 12: WORK PERFORMANCE

All employees should be aware of what is expected of them. A detailed listing of duties for each job can be found in the employee’s job description. Supervisors should work closely with employees to ensure that employees understand all aspects of their job. Whenever an employee has questions or concerns about their responsibilities, they should talk to their supervisor. Mutual confidence, honesty and understanding between the employee and supervisor will enhance the employee’s ability to grow in the job and succeed at the PTC.

All employees who are not members of a Collective Bargaining Unit will receive a performance evaluation approximately six months after they begin working for the PTC and annually thereafter. Supervisors should expect to give, and employees should expect to receive, constructive feedback throughout the year, not just at their annual evaluation. No issue the supervisor raises at the annual evaluation should come as a surprise to the employee.

SECTION 13: AVOIDING CONFLICTS OF INTEREST

A “conflict of interest” occurs when an employee uses the authority of his/her office or employment or any confidential information received through his/her position or employment for the private pecuniary benefit of himself/herself, the employee’s immediate family or a business with which the employee or the employee’s immediate family is associated. Employees are prohibited from engaging in conduct that constitutes an actual or perceived conflict of interest.

Employees shall refrain from any financial or business dealings that would affect his/her objectivity, impartiality or independence of judgment.

Employees shall not influence or attempt to influence the making of or supervise or in any manner deal with any contract in which he/she has an adverse interest or have an adverse interest in any contract with the PTC.
Employees are not allowed to solicit or accept anything of monetary value, including but not limited to gifts, loans, rewards or a promise of future employment for themselves or any member of their immediate family based on any action they may take or not take by reason of their position or employment with the PTC.

Employees are prohibited from accepting any discount, gift, gratuity, compensation, travel, lodging, hospitality or other thing of value, in excess of the limits set forth in the Public Official and Employees Ethics Act, 65 Pa.C.S. § 1105(b)(6) & (7).

Violations of these rules shall result in appropriate disciplinary action up to and including termination. In addition, depending on the specific facts, an employee may face criminal and civil penalties, including fines and imprisonment.

Known or suspected violations of the PTC Code of Conduct must be reported to the PTC’s Chief Compliance Officer (or Chief Counsel if it is believed the violation involves the Compliance Office).

If it comes to the attention of an employee that such payments were sought or made, this should be immediately reported to employee’s supervisor and to the PTC’s Tip Line (1-888-317-3110) or the Chief Compliance Officer.

SECTION 14: ANTI-CORRUPTION: DEMANDING AND ACCEPTING ADVANTAGES

PTC employees are not permitted to use their jobs to solicit, demand, accept, obtain or be promised advantages. This does not apply to the acceptance of occasional gifts of purely symbolic value or meals or entertainment reasonable in value that are consistent with local customs and practices and the PTC’s guidelines as noted in Section 13 “Avoiding Conflicts of Interest.” Any other gifts, meals or entertainment must be refused.

It is illegal and not permitted for public officials, at any level of government, to obtain money, property, entertainment, hospitality, gifts or favors from the PTC by the wrongful use of their official position or as a condition to perform certain duties they are normally obligated to perform. If it comes to the attention of an employee that such payments were sought or made, this should be immediately reported to the employee’s supervisor and to the PTC’s Tip Line (1-888-317-3110) or the Chief Compliance Officer. It is the PTC’s objective to conduct business with reputable consultants and business partners who are involved in lawful business activities. See also the PTC’s Code of Conduct Policy Letter 3.10.
SECTION 15: PROPER MAINTENANCE OF RECORDS AND FINANCIAL INTEGRITY

Open and effective communication requires accurate and truthful reporting. This applies equally to relationships with employees, customers, vendors, suppliers, contractors and business partners, as well as with the public and all governmental offices. The PTC is also required to maintain sound processes and controls so that transactions are executed according to PTC’s policies and directives. The PTC must also prevent and detect unauthorized use of PTC’s assets.

All PTC employees are required to make sure that the PTC’s books and records they create or are otherwise responsible for are complete, accurate, honestly reflect each transaction or expenditure, and are timely and in accordance with applicable rules and standards.

All transactions of the PTC must be properly recorded and accounted for. This is essential to the integrity of the PTC’s governance and financial-reporting obligations. All PTC employees are responsible for ensuring that false, inaccurate or misleading information is not made in the PTC’s records and that fair, accurate, timely and understandable disclosure is made in all public communications.

In preparing and maintaining PTC books and records, employees should:

- adhere to all applicable accepted standards, practices, rules, regulations and controls;
- ensure the accurate and timely recording of costs, tolls, shipments, time sheets, vouchers, bills, payroll and benefit records, regulatory data, expense reports and other financial transactions are in the proper accounts;
- record all funds, assets and transactions and not establish any undisclosed or unrecorded fund or assets for any purpose;
- keep and retain books and records which reflect fairly, accurately and thoroughly detail the PTC’s transactions, acquisition and disposal of assets and other relevant activities (see Records Management Policy Letter 8.6);
- sign only those documents that are accurate and truthful; and
- restrict access to sensitive or confidential information (such as financial records, materials that are protected by the attorney-client privilege and work product doctrine, E-ZPass account holder information and other customer information) to ensure the information is not accidentally or intentionally disclosed, modified, misused or destroyed, other than in accordance with the law and PTC’s document retention policies.
To obtain the PTC policies mentioned in the Business Conduct Guidelines:

- Visit [http://www.paturnpike.com](http://www.paturnpike.com)
- Click “PA Right to Know Law Information Request” at the bottom of the home page
PTC/PennDOT Collaboration: ‘Mapping the Future’

The Turnpike and PennDOT have been working on a collaborative effort known as “Mapping the Future,” since July 15, 2011. The program’s aim is to enhance cooperation and increase efficiency between the two agencies.

- The agencies have begun sharing expenses in areas like training and facilities design, and we’re also sharing resources — including stockpiles and physical facilities — when it makes sense geographically.
- Breakout groups are exploring new alliances to cut operating costs in other areas.
- Seven distinct breakout groups continue meeting to team up at department level, looking at opportunities to eliminate redundancies, where practical. Those areas are:
  - engineering - construction
  - engineering - design
  - facilities
  - its (intelligent transportation systems)
  - maintenance and operations
  - procurement & purchasing
  - communications & public information

Together, PTC and PennDOT have made remarkable progress in sharing resources and reducing costs. It remains a top priority for both agencies. The “Mapping” initiative has influenced a culture change within these agencies; now, before the Turnpike or PennDOT builds or buys anything, we look across the street to see if other partnering opportunities exist.

Here are a few examples of accomplishments to date…and the effort continues.

- Implementing joint training for such jobs as equipment operators, paint crewman, and others.
- Partnering on use of salt storage and salt-brine mixing resources and sharing designs for salt-brine production and storage facilities.
- Developing standard facility designs and sharing existing designs among agencies.
- Teaming up on duplicate service contracts, such as AccuWeather, resulting in savings for both agencies.
- Both agencies are working with energy providers to achieve better rates from suppliers of electric and natural gas.
- Developing shared maintenance facilities to be utilized by personnel from both agencies.
- Coordinating inspection contracts between agencies to promote sharing of inspectors at structural steel plants to reduce overall inspection costs.
- Developing one set of ITS standards to be used for all PennDOT and PTC projects.
Maureen Lally-Green, Retired Judge

Judge Maureen E. Lally-Green, retired, was born in Sharpsville, Mercer County. She graduated from Duquesne University with a B.S. in Secondary Education, Mathematics (1971) and a J.D. from its School of Law (1974) (Law Review). In 1998, Judge Lally-Green was appointed by Governor Tom Ridge to the Superior Court, and confirmed by the State Senate. In 1999, Judge Lally-Green was elected for a term of ten years. She served until July 31, 2009 when she retired from the bench. She currently serves, part-time, as Associate General Secretary in the Catholic Diocese of Pittsburgh.

Judge Lally-Green has worked with a private law firm (1974-75), as counsel to Commodity Futures Trading Commission (Washington, D.C.) (1975-78), counsel to the former Westinghouse Electric Corporation (1978-83), a consultant to Justices of the Pennsylvania Supreme Court (1985-87; 1988-98), and a Professor of Law at Duquesne University’s School of Law (1983-98). She continues as an adjunct professor of law at Duquesne’s Law School and annually teaches in various continuing legal education programs. She is published in various law reviews.

The Judge currently serves as a member of a number of Boards of Directors in the post-secondary education, public and private arenas. She also serves the people of the Commonwealth on the State Board of Education.

She is the recipient recognition and awards of: the Carol Los Mansmann Helping Hand Award (Allegheny County Bar Association 2011); membership in Duquesne University’s Century Club (2010); the “Presidents’ Award”, awarded jointly by the Presidents of Saint Francis University and Duquesne University (2009); Anne X. Alpern Award, (Pennsylvania Bar Association’s Commission on Women in the Profession (2006)); the Saint Thomas More Award, the Saint Thomas More Society (2002); Duquesne University Law School’s Distinguished Alumna Award (2001); Chatham College’s President’s Medal (2000); Fellow in International Development, Kellogg Foundation (1990-92); and Duquesne University School of Law Women’s Law Association Woman of the Year (1997).

She has been recognized in: Who’s Who in the World; Who’s Who in America; Who’s Who in American Law; Who’s Who Among American Women; Who’s Who in Emerging Leaders; and, Who’s Who in Executives and Professionals.

The retired Judge has been married since 1979 and the couple has 3 adult children.
M.G. Patel, P.E.

- Served PennDOT for over 34 years in numerous positions of Chief Highway Engineer, Director Bureau of Design, Chief Bridge Engineer, Bridge & Interstate Highway Project Expeditor, and Bridge design reviewer & Designer.

- As PennDOT Chief Engineer for 3.5 years lead 4 Highway Administration Bureaus in establishing and implementing Department wide policies, criteria, standards and procedures for the highway system to assure statewide conformation and uniformity. Major functions included project/program delivery, procurement of engineering and construction contracts, transportation maintenance and operation, and system performance evaluation. Represented Pa in AASHTO Chief Engineers’ Committee.

- As Director of Bureau of Design for 4.5 years reengineered over 300 processes, Developed ERMA vision and related automation systems, delivered highway/bridge programs, etc. Responsible for developing and implementing highway and bridge engineering standards, policies, criteria and procedures as well as approving engineering contract documents. Represented Pa in AASHTO Chief Design Engineers’ Committee.

- As Chief Bridge Engineer for 8 years established specifications, standards, criteria and procedures for state bridge engineering as well as approving engineering plans for complex bridges. Represented Pa in AASHTO Chief Bridge Engineers’ Committee.

- As Interstate & Bridge Expeditor, expedited design and construction of numerous major bridges and missing links of Interstate Highways in first half of 1980s.

- Designed and reviewed over 500 bridges in late 1960s thru 1970s as bridge designer & reviewer.

- As President of Hersha Construction Company for 4.5 years oversaw general design and/or construction of motels, upscale homes, public schools, restaurant, etc. Performed construction management and/or owners’ rep and general contractor functions.

- Worked in Illinois and in India as an engineer for several months after receiving BS but before finishing MS degree.

- Voluntary Services since 2008. Served as president of AIACPA, currently serving on Taxpayers' Advocate Panel with IRS and as a member of an Advisory Committee to PTC, arranged numerous seminars, conducted several synergy sessions and guided persons in need.

- Recognitions: Earned several national and state awards, selected 3 times to represent USA in international and national scanning teams. Served as Industry Advisor to the Dean of Engineering at Penn State University for 6 years.
John L. Gedid, Esq.

Professor Emeritus John L. Gedid served as a professor and vice Dean of Widener University School of Law. He was born and raised in Pittsburgh. He received a B.A degree summa cum laude from the University of Pittsburgh, where he was also inducted into Phi Beta Kappa honorary fraternity; a J.D. degree from Duquesne Law School, where he served as an associate editor of the Duquesne Law Review; and an LL.M. degree from Yale Law School.

After serving as law clerk to Judge Herbert Sorg of the United States District Court for the Western District of Pennsylvania, he practiced trial and administrative law. In 1972, he joined the faculty of Duquesne Law School, where he served as interim dean in 1981. He served for many years on the Board of Directors of Catholic Charities of the Diocese of Pittsburgh, and also served as president of the Board.

In 1989 Widener University hired him to serve as founding vice dean for Widener’s Harrisburg Law School. He served in that capacity for six years, and again for two years from 2009-2011. Dean Gedid founded the Widener Law & Government Institute in 1999, and served as its director until he retired as professor emeritus in 2013.

Professor Gedid was elected to membership in the American Law Institute in 1982, and today is a life member of that organization. He served as Pennsylvania Commissioner to the Uniform Law Commission from 2002 until 2013. Professor Gedid served on the Civil Procedure Rules Committee of the Pennsylvania Supreme Court. He served as chair of the Pennsylvania Bar Association Statutory Law Committee and of the Administrative Law Section. Professor Gedid received the James S. Bowman Award from the Pennsylvania Bar Association Administrative Law Section in 2010 for outstanding practice in administrative law, and the William E. Zeiter Award from the Pennsylvania Bar Association Statutory Law Committee for exceptional contributions to statutory law in 2013. Dean Gedid served on the Pennsylvania Bar Association Constitutional Review Commission, where he chaired the study of Legislative Reapportionment. Professor Gedid served as Official Reporter of Decisions for the Commonwealth Court of Pennsylvania from 1989 to 2005. He is a member of the Board of Directors of the Commonwealth Court Historical Society and also served on the editorial board of the Journal of Administrative Law Judiciary.